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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. MCNULTY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 9, 2007.

I hereby appoint the Honorable MICHAEL R. MCNULTY to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

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

Lord God, by Your Spirit You move and act within Your people and make them one to praise You and give You glory.

Bless each Member of this 110th Congress today, their constituents in their individual districts and those who work in their district offices, for this House is a place of human diversity, Lord. Representing the people who elected them, Members give voice to local needs and sometimes find common concern echoed across this vast country.

Gathered here in public service, these women and men are easily drawn into broader problems facing the Nation and grow in awareness of international issues as well. In the midst of it all, Lord, never let them forget where they come from. Keep them humble before You, and by consistent listening to those they represent. May the prayers of their family and neighbors in their districts join with us today as we pray for them, calling upon Your holy name.

Amen.

THE JOURNAL

The SPEAKER pro tempore. 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 pro tempore. Will the gentleman from New Jersey (Mr. SIRES) come forward and lead the House in the Pledge of Allegiance.

Mr. SIRES 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.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 124. Concurrent resolution authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service.

The message also announced that pursuant to Public Law 106–554, the Chair, on behalf of the President pro tempore and upon the recommendation of the Republican Leader, appoints the Senator from Louisiana (Mr. VITTER) to the Board of Directors of the Vietnam Education Foundation.

CONGRESS HAS THE POWER TO END THIS WAR

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

Mr. KUCINICH. Mr. Speaker, Congress has the power to end the war in Iraq simply by refusing to pass any legislation to continue to fund it. The money is in the pipeline there right now to bring the troops home.

H.R. 1234 provides a plan for bringing the troops home, ending the occupation and stabilizing Iraq. This war will never end if Congress advances administration plans to privatize Iraq's oil through insisting on the passage of a so-called hydrocarbon act by the Iraqi legislature.

Today I will be distributing to Members of Congress a detailed report that explains how the legislation that we are advancing moves to privatize Iraq's oil.

INTELLIGENCE FUNDING CUTS

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

Mr. PITTS. Mr. Speaker, in an environment of unlimited demands and limited resources, our constituents expect us to make tough choices and set national priorities with their hard-earned tax dollars. The Democrats' Intelligence Authorization bill that we will vote on this week fails to do this.

Consider the priorities it sets. This bill makes deep cuts in the resources requested by the administration for important intelligence-gathering operations. Meanwhile, it also calls for the Director of National Intelligence to submit a National Intelligence Estimate to Congress on global warming.

In a post-9/11 environment, should we really be steering our intelligence community away from intelligence gathering so that they can start studying global warming?

Experts from the right and the left say that our ability to prevent another attack on America relies heavily on our intelligence capabilities.

Mr. Speaker, let's fully fund our intelligence community and not distract

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it from fulfilling its core mission, to protect Americans from attack.

FOXES GUARDING THE HENHOUSE

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Mr. Speaker, Johnnie Burton and Terri Shaw, two of President Bush's administration's foxes that have been guarding the henhouse, are stepping down. And now they are gone and the American people are better off.

At the Interior Department, Johnnie Burton let Big Oil drill at taxpayers' expense and got away with it until Congress stepped in, costing the taxpayers billions of dollars.

At the Education Department, Terri Shaw is stepping down after several scandals were uncovered in the student loan industry. On her watch, lenders and Education Department officials undermined the student loan program, which millions of students and middle-class families count on to go to college with and achieve their American Dream.

Every day we see another headline and another story. Congress does its oversight job, and another Bush administration official at the center of the storm is eventually forced to step down.

The White House has had an approach of letting the industry govern itself. They cut out the middleman. They are the government industry lobbyists. From our energy and production to our college loans, nothing is out of bounds. And Americans sent a clear message last November. They are tired of corruption. They want a change and an end to business as usual here in Washington. Democrats got the message, and we're restoring accountability to the American people's government.

FLOOR CONSIDERATION OF H.R. 1684

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

Mrs. BLACKBURN. Mr. Speaker, in March, the Homeland Security Committee unanimously approved a bill to authorize funding for the Department of Homeland Security for the coming year. It wasn't a perfect bill, but it was one the committee accepted.

Now the liberal leadership plans to strip the most critical provisions in the legislation. These are not controversial points that should make my colleagues on the other side of the aisle uncomfortable. Unless, of course, the Democrats do not agree with an increased emphasis on immigration enforcement at the ports or secure biometric identification for aliens captured at sea or critical funding to protect America's food supply. But, as we've all seen since the Democrats took over in January, we know that is the case.

But it actually gets worse. The liberal leadership voted against allowing noncontroversial amendments to increase information sharing between DHS and cops on the beat, allowing DHS to investigate Social Security fraud at the workplace, and increased fines of employers who knowingly hire illegal aliens.

Mr. Speaker, this bill makes a mockery of the democratic process, does nothing extra to secure our borders and will, unfortunately, probably make our Nation less safer.

Welcome to Homeland Security, Democrat style.

DEMOCRATS TRIED TO CHANGE COURSE IN IRAQ BUT PRESIDENT BUSH REJECTED THAT CHANGE OF COURSE

(Mr. BUTTERFIELD asked and was given permission to address the House for 1 minute.)

Mr. BUTTERFIELD. Mr. Speaker, last week, President Bush had a chance to change the direction of the war in Iraq, but he rejected it. He rejected a plan that would finally hold the Iraqi Government accountable for meeting the benchmarks that he laid out earlier this year.

According to the nonpartisan Brookings Institute, the Iraqi Government is failing to meet the political benchmarks they were supposed to make. By vetoing the bill, the President was condoning such inaction.

The President claims the situation is getting better in Iraq. Wrong. April was the deadliest month of the year and one of the deadliest of the entire war.

Retired General William Odom said last week, and I'm quoting, ''No effective strategy can be devised for the United States until it begins withdrawing its forces from Iraq. Only that step will break the paralysis that now confronts us.''

General Odom is correct. Today our troops are serving as referees in a deadly civil war that shows no end in sight. This Congress offered the President a dramatic change, and he rejected it. We're not going to give up, because ending this war is simply too important.

FUNDING FOR INTELLIGENCE OPERATIONS

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

Ms. FALLIN. Mr. Speaker, one of the most effective tools we have against fighting our enemies like al Qaeda is intelligence, information that allows us to disrupt their terror cells and prevent attacks before they happen. And yet, the Democrats see fit to cut the funding of these operations.

Worst of all, they are shifting resources away from vital, war-related intelligence operations towards their politically correct crusade on global warming.

Does the Democrat leadership really think that carbon emissions represent a greater threat to the United States than the 9/11 radical jihadists?

Yesterday, law enforcement foiled a plot by terrorists to attack and kill U.S. soldiers in New Jersey. Protecting our Nation should be our number one priority. Does the leadership really think that our surveillance satellites should be aimed at polar ice caps and not terror cells and that spies should be investigating global warming?

Congress must adequately fund our intelligence operations. If we don't, we may need to be more concerned about global warming in the United States caused by a global attack, caused by a nuclear attack in our own backyards.

THE STATUS QUO IS NO LONGER ACCEPTABLE

(Mr. SIRES asked and was given permission to address the House for 1 minute.)

Mr. SIRES. Mr. Speaker, with President Bush's veto last week, it is clear that if this Congress is going to take this war in a new direction, we need some of our Republican colleagues to join with us. Unfortunately, it seems that the House Republicans are still willing to blindly follow the President, no matter the facts in Iraq.

Consider this statement from Minority Leader Boehner over the weekend. He said, and I quote, ''We want a clean bill. We don't want artificial deadlines. We don't want artificial measures in there to try to ensure failure.''

Let's not forget that the artificial measures that the minority leader is referring to were actually measures designed by President Bush himself to hold the Iraqi Government accountable. These are critical measures that will put the pressure on the Iraqi Government to make political, diplomatic and economic reforms. So far, none of these benchmarks have been met.

It is time that the House Republicans realize that the status quo is no longer acceptable to the American people. We have to keep pressure on the Iraqis to initiate these reforms and bring our troops home.

LIBERIAN REFUGEE IMMIGRATION PROTECTION ACT OF 2007

(Mr. WALBERG asked and was given permission to address the House for 1 minute.)

Mr. WALBERG. Mr. Speaker, several years ago, my wife and I had the privilege of having a Liberian refugee stay in our home for almost a year.

This gentleman came from dire circumstances in his homeland, as his wife was brutally assaulted, and he was beaten and forced to leave his country. He still has scars from being beaten with the blunt end of a rifle.

Like thousands of other Liberians forced to leave their homeland, our

friend came to the United States under temporary protective status. One of the unintended consequences of the temporary protective status is it didn't foresee that civil war would continue in Liberia for several years, leaving refugees in America stuck in a state of flux.

Currently all Liberian refugees living in the United States under temporary protective status have until October of this year, and then they will be forced to return to Liberia.

The Liberian Refugee Immigration Protection Act of 2007, a bipartisan bill introduced by Representatives KENNEDY, ELLISON and myself, would allow Liberians in the United States on temporary protected status the opportunity to apply for permanent residency status.

This bill addresses an urgent situation faced by Liberian refugees who have legally come to America.

I urge co-sponsorship and passage of H.R. 1941, the Liberian Refugee Immigration Protection Act of 2007.

HONORING NAVAJO CODE TALKERS STEWART CLAH AND CHARLES GUY

(Mr. UDALL of New Mexico asked and was given permission to address the House for 1 minute.)

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in honor of two Navajo Indians and celebrate the American heroes who passed away last week. Stewart Clah and Charles Guy were members of the elite Navajo Code Talkers. They did not simply rely on their ancestral language to relay critical United States military communications. Rather, the innovative Navajo Code Talkers used their native language to build a succinct and unbreakable code for military communications during World War II.

We will never know exactly how many American lives were saved or how many American military operations were successful because of their ingenuity and sacrifice. But we do know Stewart Clah and Charles Guy and the rest of the Navajo Code Talkers will forever be remembered as critical to the Allied victory during one of the world's darkest hours.

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ARE REPUBLICANS STARTING TO REALIZE THAT INDEFINITELY STAYING THE COURSE IS NOT A STRATEGY?

(Mr. HODES asked and was given permission to address the House for 1 minute.)

Mr. HODES. Mr. Speaker, it appears that congressional Republicans are finally coming around to the possibility that the war in Iraq cannot go on indefinitely.

This weekend House Republican leader JOHN BOEHNER said if this troop escalation plan is not working by September or October, a plan B would need to be explored. This timid response is a sign that the Republicans see the writing on the wall and are desperate to hedge their bets on a failed policy.

The minority leader's timetable of this fall comes just days after Mr. BOEHNER joined President Bush in abandoning the benchmarks for Iraqi success the President himself established in January. Last week the minority leader and almost every Republican joined the President's call for an open-ended commitment of American troops and tax dollars in Iraq. Now feeling the pressure from the Americans who wisely support benchmarks and timelines, it appears that the Republican leader is backtracking.

The American people and the majority of this Congress will stand firm in supporting our troops and showing leadership for a new course in Iraq. Let's hope the minority leader lifts his head out of the sand, and he and his party and the President join us in moving Iraq in a new direction.

NEW DEMOCRATIC CONGRESS PRODUCING POSITIVE RESULTS FOR ALL AMERICANS

(Mr. KLEIN of Florida asked and was given permission to address the House for 1 minute.)

Mr. KLEIN of Florida. Mr. Speaker, when the American people entrusted this House to a new Democratic majority, they wanted Congress to deliver tangible results. We are living up to that promise. In the first 100 hours, we passed rules to clean up the way that Congress operates. We implemented the recommendations of the 9/11 Commission. We raised the minimum wage to expand economic prosperity to millions who have been left behind for too long, and we cut interest rates in half so college is more affordable to middle-class families in our country.

We also repealed billions of dollars in tax breaks to big oil companies and instead are investing that in alternative fuels and energy-efficient technology. We hope this legislation will begin to wean our Nation off foreign oil because today customers are once again paying record prices at the pump, and that is simply wrong. This legislation is a first step in changing our Nation's energy policy.

We also passed a budget that is actually balanced within the next 5 years, and we did it without raising taxes.

Mr. Speaker, we are living up to our promise to move our Nation in a new and better direction.

URGING SUPPORT OF H.R. 1252, ENERGY PRICE GOUGING PREVENTION ACT

(Mr. KAGEN asked and was given permission to address the House for 1 minute.)

Mr. KAGEN. Mr. Speaker, in northeast Wisconsin last Tuesday, prices for regular gasoline hit $3.13 per gallon, 37 cents higher than a month ago, and they have doubled since President Bush took office. And what is worse, the price of gasoline rose even as the price of crude oil fell.

Yet the Federal Trade Commission has yet to investigate or punish anyone for price gouging. This is unacceptable. The FTC has a duty to investigate unfair trade practices.

H.R. 1252, the Emergency Price Gouging Prevention Act, gives the FTC explicit authority to investigate and punish energy price manipulation at each and every stage along the way. It brings greater transparency to oil and gas markets and forces offenders to pay penalties to the Low Income Home Energy Assistance Program.

I urge my colleagues to support H.R. 1252. It will protect consumers from unreasonable escalations in gasoline prices. There is a better way to do things in America. Let's get started today.

HOUSE DEMOCRATS HAVE TAKEN THE WAR IN A NEW DIRECTION; REPUBLICANS MUST NOW JOIN US

(Mr. PAYNE asked and was given permission to address the House for 1 minute.)

Mr. PAYNE. Mr. Speaker, congressional Democrats are trying to move the Iraq war in a new direction, but we are not getting much help from the White House or the congressional Republicans. House Democrats have now voted four separate times over the last 3 months to change the course of the war, but every single time House Republicans refused to join us.

For weeks congressional Republicans were saying that the withdrawal timeline proposed would lead to America's defeat in Iraq. But now a week after the President vetoed that bill, Republican leaders are saying that our generals must make the troop surge work by this fall. Republican leaders have now indicated that there should be a timeline for progress in Iraq, stating that, ''By the time we get to September or October, Members are going to know how well this is working, and if it isn't, what is plan B?''

Mr. Speaker, it appears that Republicans are slowly but surely coming around to timetables in Iraq. This doesn't mean that they are defeatists, as their own talking points have suggested in the past. It means that they may be turning into realists.

THE IRAQI GOVERNMENT

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute.)

Mr. GEORGE MILLER of California. Mr. Speaker and Members of the House, last January when the President was suggesting the need for the escalation of the numbers of troops in Iraq, he also told us that while we would provide the troops under his policy, the Iraqis would provide a series of

benchmarks which they would meet to end the insurgency and to bring their country together politically so that the insurgency can be dampened down or ended.

Now we are told by Secretary of State Condoleezza Rice that it would be wrong to hold the Iraqi Government, the Malaki government, to those benchmarks because it would take away their flexibility, while President Bush said that if they did not meet these benchmarks in January, they would lose the confidence of the American people.

President Bush had it right. They haven't met the benchmarks. They are not holding up their end of the bargain. The Parliament is not meeting. A third of them are living in London, not in Iraq, and they have lost the confidence of the American people.

How is it that the Secretary of State and the President of the United States can continue to believe that we should continue to send American soldiers to die in Iraq when the Iraqi Government won't meet the benchmarks which were supposed to be the bedrock of this new policy, this new direction, that has turned out to be the same old stay-the-course policy where American soldiers die and the Iraqi Government dithers away day in and day out and not meeting the new policies to bring a unified Iraq together?

It is unacceptable to the American people. It is unacceptable to our soldiers. It is unacceptable to their families. And we ought to end this policy now.

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.

STUDENT LOAN SUNSHINE ACT

Mr. GEORGE MILLER of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 890) to establish requirements for lenders and institutions of higher education in order to protect students and other borrowers receiving educational loans, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 890

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 ''Student Loan Sunshine Act''.

SEC. 2. INSTITUTION AND LENDER REPORTING AND DISCLOSURE REQUIREMENTS.

Title I of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended by adding at the end the following:

''PART E—LENDER AND INSTITUTION REQUIREMENTS RELATING TO EDUCATIONAL LOANS

''SEC. 151. DEFINITIONS.

''In this part:

''(1) COVERED INSTITUTION.—The term 'covered institution'—

''(A) means any educational institution that offers a postsecondary educational degree, certificate, or program of study (including any institution of higher education, as such term is defined in section 102) and receives any Federal funding or assistance; and

''(B) includes an agent of the educational institution (including an alumni association, booster club, or other organization directly or indirectly associated with such institution) or employee of such institution.

''(2) EDUCATIONAL LOAN.—The term 'educational loan' (except when used as part of the term 'private educational loan') means—

''(A) any loan made, insured, or guaranteed under title IV; or

''(B) a private educational loan (as defined in paragraph (6)).

''(3) PREFERRED LENDER ARRANGEMENT.—The term 'preferred lender arrangement' means an arrangement or agreement between a lender and a covered institution—

''(A) under which arrangement or agreement a lender provides or otherwise issues educational loans to the students attending the covered institution or the parents of such students; and

''(B) which arrangement or agreement relates to the covered institution recommending, promoting, endorsing, or using the educational loan product of the lender.

''(4) LENDER.—

''(A) IN GENERAL.—The term 'lender'—

''(i) means a creditor, except that such term shall not include an issuer of credit secured by a dwelling or under an open end credit plan; and

''(ii) includes an agent of a lender.

''(B) INCORPORATION OF TILA DEFINITIONS.—The terms 'creditor', 'dwelling' and 'open end credit plan' have the meanings given such terms in section 103 of the Truth in Lending Act (15 U.S.C. 1602).

''(5) OFFICER.—The term 'officer' includes a director or trustee of an institution.

''(6) PRIVATE EDUCATIONAL LOAN.—The term 'private educational loan' means a private loan provided by a lender that—

''(A) is not made, insured, or guaranteed under title IV; and

''(B) is issued by a lender expressly for postsecondary educational expenses to a student, or the parent of the student, regardless of whether the loan involves enrollment certification by the educational institution that the student attends.

''(7) POSTSECONDARY EDUCATIONAL EXPENSES.—The term 'postsecondary educational expenses' means any of the expenses that are included as part of a student's cost of attendance, as defined under section 472.

''SEC. 152. REQUIREMENTS FOR LENDERS AND INSTITUTIONS PARTICIPATING IN PREFERRED LENDER ARRANGEMENTS.

''(a) CERTIFICATION BY LENDERS.—In addition to any other disclosure required under Federal law, each lender that participates in one or more preferred lender arrangements shall annually certify to the Secretary that all of the preferred lender arrangements in which it participates is in compliance with the requirements of this Act. Such compliance of such preferred lender arrangement shall be reported on and attested to annually by the auditor of such lender in the audit conducted pursuant to section 428(b)(1)(U)(iii).

''(b) PROVISION OF LOAN INFORMATION.—A lender may not provide a private educational loan to a student attending a covered institution with which the lender has a preferred lender arrangement, or the parent of such student, until the covered institution has informed the student or parent of their remaining options for borrowing under title IV, including information on any terms and conditions of available loans under such title that are more favorable to the borrower.

''(c) USE OF INSTITUTION NAME.—

''(1) IN GENERAL.—A covered institution that has entered into a preferred lender arrangement with a lender regarding private educational loans shall not allow the lender to use the name, emblem, mascot, or logo of the institution, or other words, pictures, or symbols readily identified with the institution, in the marketing of private educational loans to the students attending the institution in any way that implies that the institution endorses the private educational loans offered by the lender.

''(2) APPLICABILITY.—Paragraph (1) shall apply to any preferred lender arrangement, or extension of such arrangement, entered into or renewed after the date of enactment of the Student Loan Sunshine Act.

''SEC. 153. INTEREST RATE REPORT FOR INSTITUTIONS AND LENDERS PARTICIPATING IN PREFERRED LENDER ARRANGEMENTS.

''(a) DUTIES OF THE SECRETARY.—

''(1) REPORT AND MODEL FORMAT.—Not later than 180 days after the date of enactment of the Student Loan Sunshine Act, the Secretary shall—

''(A) prepare a report on the adequacy of the information provided to students and the parents of such students about educational loans, after consulting with students, representatives of covered institutions (including financial aid administrators, registrars, and business officers), lenders, loan servicers, and guaranty agencies;

''(B) develop and prescribe by regulation a model disclosure form to be used by lenders and covered institutions in carrying out subsections (b) and (c) that—

''(i) will be easy for students and parents to read and understand;

''(ii) will be easily usable by lenders, institutions, guaranty agencies, and loan servicers;

''(iii) will provide students and parents with the relevant information about the terms and conditions for both Federal and private educational loans;

''(iv) is based on the report's findings and developed in consultation with—

''(I) students;

''(II) representatives from institutions of higher education, including financial aid administrators, registrars, business officers, and student affairs officials;

''(III) lenders;

''(IV) loan servicers;

''(V) guaranty agencies; and

''(VI) with respect to the requirements of clause (vi) concerning private educational loans, the Board of Governors of the Federal Reserve System;

''(v) provides information on the applicable interest rates and other terms and conditions of the educational loans provided by a lender to students attending the institution, or the parents of such students, disaggregated by each type of educational loans provided to such students or parents by the lender, including—

''(I) the interest rate of the loan;

''(II) any fees associated with the loan;

''(III) the repayment terms available on the loan;

''(IV) the opportunity for deferment or forbearance in repayment of the loan, including whether the loan payments can be deferred if the student is in school;

''(V) any additional terms and conditions applied to the loan, including any benefits

that are contingent on the repayment behavior of the borrower;

''(VI) the annual percentage rate for such loans, computed determined in the manner required under section 107 of the Truth in Lending Act (15 U.S.C. 1606) on the basis of the actual net disbursed amount of the loan;

''(VII) the average amount borrowed from the lender by students enrolled in the institution who obtain loans of such type from the lender for the preceding academic year;

''(VIII) the average interest rate on such loans provided to such students for the preceding academic year;

''(IX) contact information for the lender; and

''(X) any philanthropic contributions made by the lender to the covered institution; and

''(vi) provides, in addition, with respect to private educational loans, the following information with respect to loans made by each lender recommended by the covered institution:

''(I) the method of determining the interest rate of the loan;

''(II) whether, and under what conditions, early repayment may be available without penalty;

''(III) late payment penalties; and

''(IV) such other information as the Secretary may require; and

''(C)(i) submit the report and model disclosure form to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives; and

''(ii) make the report and model disclosure form available to covered institutions, lenders, and the public.

''(2) MODEL FORM UPDATE.—Not later than 1 year after the submission of the report and model disclosure form described in paragraph (1)(B), the Secretary shall—

''(A) assess the adequacy of the model disclosure form;

''(B) after consulting with students, representatives of covered institutions (including financial aid administrators, registrars, and business officers), lenders, loan servicers, and guaranty agencies—

''(i) prepare a list of any improvements to the model disclosure form that have been identified as beneficial to borrowers; and

''(ii) update the model disclosure form after taking such improvements into consideration; and

''(C)(i) submit the list of improvements and updated model disclosure form to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives; and

''(ii) make updated model disclosure form available to covered institutions, lenders, and the public.

''(3) USE OF FORM.—The Secretary shall take such steps as necessary to make the model disclosure form, and any updated model disclosure form, available to covered institutions and to encourage—

''(A) lenders subject to subsection (b) to use the model disclosure form or updated model disclosure form (if available) in providing the information required under subsection (b); and

''(B) covered institutions to use such format in preparing the information reported under subsection (c).

''(4) PROCEDURES.—Sections 482(c) and 492 of this Act shall not apply to the model disclosure form in the regulations prescribed under paragraph (1)(B), but shall apply to the updating of such form under paragraph (2).

''(b) LENDER DUTIES.—Each lender that has a preferred lender arrangement with a covered institution shall annually, by a date determined by the Secretary, provide to the covered institution and to the Secretary the information included on the model disclosure form or an updated model disclosure form (if available) for each type of educational loan provided by the lender to students attending the covered institution, or the parents of such students, for the preceding academic year.

''(c) COVERED INSTITUTION REPORTS.—Each covered institution shall—

''(1) prepare and submit to the Secretary an annual report, by a date determined by the Secretary, that includes, for each lender that has a preferred lender arrangement with the covered institution and that has submitted to the institution the information required under subsection (b)—

''(A) the information included on the model disclosure form or updated model disclosure form (if available) for each type of educational loan provided by the lender to students attending the covered institution, or the parents of such students; and

''(B) a detailed explanation of why the covered institution believes the terms and conditions of each type of educational loan provided pursuant to the agreement are beneficial for students attending the covered institution, or the parents of such students; and

''(2) ensure that the report required under paragraph (1) is made available to the public and provided to students attending or planning to attend the covered institution, and the parents of such students, in time for the student or parent to take such information into account before applying for or selecting an educational loan.

''(d) DISCLOSURES BY COVERED INSTITUTIONS.—A covered institution shall disclose, on its website and in the informational materials described in subsection (e)—

''(1) a statement that—

''(A) indicates that students are not limited to or required to use the lenders the institutions recommends; and

''(B) the institution is required to process the documents required to obtain a loan from any eligible lender the student selects;

''(2) at a minimum, all of the information provided by the model disclosure form prescribed under subsection (a)(1)(B) with respect to any lender recommended by the institution for Federal student loans and, as applicable, private educational loans;

''(3) the maximum amount of Federal grant and loan aid available to students in an easy-to-understand format; and

''(4) the institution's cost of attendance (as determined under section 472).

''(e) INFORMATIONAL MATERIALS.—The informational materials described in this subsection are any publications, mailings, or electronic messages or media distributed to prospective or current students and parents of students that describe, discuss, or relate to the financial aid opportunities available to students at an institution of higher education.

"SEC. 154. PRIVATE EDUCATIONAL LOAN DISCLOSURE REQUIREMENTS FOR COVERED INSTITUTIONS.

''A covered institution that provides information to any student, or the parent of such student, regarding a private educational loan from a lender shall, prior to or concurrent with such information—

''(1) inform the student or parent of—

''(A) the student or parent's eligibility for assistance and loans under title IV; and

''(B) the terms and conditions of such private educational loan that are less favorable than the terms and conditions of educational loans for which the student or parent is eligible, including interest rates, repayment options, and loan forgiveness; and

''(2) ensure that information regarding such private educational loan is presented in such a manner as to be distinct from information regarding loans that are made, insured, or guaranteed under title IV.

"SEC. 155. INTEGRITY PROVISIONS.

''(a) INSTITUTION CODE OF CONDUCT REQUIRED.—

''(1) CODE OF CONDUCT.—Each institution of higher education that participates in the Federal student loan programs under title IV or has students that obtain private educational loans shall—

''(A) develop a code of conduct in accordance with paragraph (2) with which its officers, employees, and agents shall comply with respect to educational loans;

''(B) publish the code of conduct prominently on its website; and

''(C) administer and enforce such code in accordance with the requirements of this subsection.

''(2) CONTENTS OF CODE.—The code required by this section shall—

''(A) prohibit a conflict of interest or the appearance of a conflict of interest with the responsibilities of such officer, employee, or agent with respect to student loans or other financial aid; and

''(B) at a minimum, include provisions in compliance with the provisions of the following subsections of this section.

''(3) TRAINING AND COMPLIANCE.—An institution of higher education shall administer and enforce a code of conduct required by this section by, at a minimum, requiring all of its officers, employees, and agents with responsibilities with respect to student loans or other financial aid to obtain training annually in compliance with the code.

''(b) GIFT BAN.—

''(1) PROHIBITION.—A lender, guarantor, or servicer of educational loans shall not offer any gift to an officer, employee, or agent of a covered institution.

''(2) INSPECTOR GENERAL REPORT.—The Inspector General of the Department of Education shall investigate any reported violation of this subsection and shall annually submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives identifying all reported violations of the gift ban under paragraph (1), including the lenders involved in each such violation, for the preceding year.

''(3) DEFINITION OF GIFT.—

''(A) IN GENERAL.—In this subsection, the term 'gift' means any gratuity, favor, discount, entertainment, hospitality, loan, or other item having a monetary value of more than a de minimus amount. The term includes a gift of services, transportation, lodging, or meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

''(B) EXCEPTIONS.—The term 'gift' shall not include any of the following:

''(i) Standard informational material related to a loan or financial literacy, such as a brochure.

''(ii) Food, refreshments, training, or informational material furnished to an officer, employee, or agent of an institution as an integral part of a training session that is designed to improve the lender's service to the covered institution, if such training contributes to the professional development of the officer, employee, or agent of the institution.

''(iii) Favorable terms, conditions, and borrower benefits on an educational loan provided to a student employed by the covered institution if such terms, conditions, or benefits are comparable to those provided to all students of the institution.

''(iv) Exit counseling services provided to borrowers to meet a covered institution's responsibilities for exit counseling as required by section 485(b) provided that—

''(I) a covered institution's staff are in control of the counseling (whether in person or via electronic capabilities); and

''(II) such counseling does not promote the products or services of any lender.

''(C) RULE FOR GIFTS TO FAMILY MEMBERS.—For purposes of this section, a gift to a family member of an officer, employee, or agent of a covered institution, or a gift to any other individual based on that individual's relationship with the officer, employee, or agent, shall be considered a gift to the officer, employee, or agent if—

''(i) the gift is given with the knowledge and acquiescence of the officer, employee, or agent; and

''(ii) the officer, employee, or agent has reason to believe the gift was given because of the official position of the officer, employee, or agent.

''(c) FEES FROM LENDERS FOR SERVICE PROHIBITED.—An officer, employee, or agent who is employed in the financial aid office of the institution, or who otherwise has responsibilities with respect to educational loans or other financial aid, shall not accept from any lender or affiliate of any lender (as the term affiliate is defined in section 487(a)) any fee, payment, or other financial benefit (including the opportunity to purchase stock) as compensation for consulting services, serving on an advisory council, or otherwise advising such lender or affiliate.

''(d) BAN ON EDUCATIONAL LOAN ARRANGEMENTS.—

''(1) PROHIBITION.—An institution of higher education shall not enter into any educational loan arrangement with any lender.

''(2) DEFINITION.—For purposes of this subsection, an educational loan arrangement is an arrangement between an institution of higher education (or an agent of the institution) and a lender under which—

''(A) a lender provides or issues educational loans to students attending the institution or to parents of such students;

''(B) the institution recommends the lender or the loan products of the lender; and

''(C) the lender pays a fee or provides other material benefits, including profit or revenue sharing, to the institution or officers, employees, or agents of the institution.

''(e) BAN ON STAFFING ASSISTANCE.—

''(1) PROHIBITION.—An institution of higher education shall not request or accept from any lender any assistance with call center staffing or financial aid office staffing.

''(2) CERTAIN ASSISTANCE PERMITTED.—Nothing in paragraph (1) shall be construed to prohibit an institution from requesting or accepting assistance from a lender related to—

''(A) professional development training for financial aid administrators; or

''(B) providing educational counseling materials, financial literacy materials, or debt management materials to borrowers, provided that such materials disclose to borrowers the identification of any lender that assisted in preparing or providing such materials.

''(f) BAN ON OPPORTUNITY POOLS.—An institution of higher education shall not request, accept, or consider from any lender any offer of funds to be used for private educational loans to students in exchange for the covered institution providing concessions or promises to the lender, and a lender shall not make any such offer.

''(g) BAN ON PARTICIPATION ON ADVISORY COUNCILS.—An officer, employee, or agent who is employed in the financial aid office of a covered institution, or who otherwise has responsibilities with respect to educational loans or other financial aid, shall not serve on or otherwise participate with advisory councils of lenders or affiliates of lenders. Nothing in this subsection shall prohibit lenders from seeking advice from covered institutions or groups of covered institutions (including through telephonic or electronic means, or a meeting) in order to improve products and services for borrowers, provided there are no gifts or compensation (including for transportation, lodging, or related expenses) provided by lenders in connection with seeking this advice from such institutions.

''SEC. 156. COMPLIANCE AND ENFORCEMENT.

''(a) CONDITION OF ANY FEDERAL ASSISTANCE.—Notwithstanding any other provision of law, a covered institution or lender shall comply with this part as a condition of receiving Federal funds or assistance provided after the date of enactment of the Student Loan Sunshine Act.

''(b) PENALTIES.—Notwithstanding any other provision of law, if the Secretary determines, after providing notice and an opportunity for a hearing for a covered institution or lender, that the covered institution or lender has violated subsection (a)—

''(1) in the case of a covered institution, or a lender that does not participate in a loan program under title IV, the Secretary may impose a civil penalty in an amount of not more than $25,000; and

''(2) in the case of a lender that does participate in a program under title IV, the Secretary may limit, terminate, or suspend the lender's participation in such program.

''(c) CONSIDERATIONS.—In taking any action against a covered institution or lender under subsection (b), the Secretary shall take into consideration the nature and severity of the violation of subsection (a).''.

SEC. 3. PROGRAM PARTICIPATION AGREEMENTS.

Section 487(a) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)) is amended by adding at the end the following:

''(24)(A) In the case of an institution (including an officer (including a director or trustee), employee, or agent of an institution) that maintains a preferred lender list, in print or any other medium, through which the institution recommends 1 or more specific lenders for educational loans (as such term is defined in section 151 of this Act, but excluding loans under part D of this title) to the students attending the institution (or the parents of such students), the institution will—

''(i) clearly and fully disclose on the preferred lender list—

''(I) why the institution has included each lender as a preferred lender, especially with respect to terms and conditions favorable to the borrower; and

''(II) that the students attending the institution (or the parents of such students) do not have to borrow from a lender on the preferred lender list;

''(ii) ensure, through the use of the list provided by the Secretary under subparagraph (C), that—

''(I) there are not less than 3 lenders named on the each preferred lending list offered by the institution that are not affiliates of each other; and

''(II) the preferred lender list—

''(aa) specifically indicates, for each lender on the list, whether the lender is or is not an affiliate of each other lender on the list; and

''(bb) if the lender is an affiliate of another lender on the list, describes the specifics of such affiliation;

''(iii) establish and prominently disclose a process to ensure that lenders are placed upon the preferred lender list on the basis of the benefits provided to borrowers, including—

''(I) highly competitive interest rates, terms, or conditions for loans made under part B;

''(II) high-quality servicing for such loans; or

''(III) additional benefits beyond the standard terms and conditions for such loans;

''(iv) exercise a duty of care and a duty of loyalty to compile the preferred lender list without prejudice and for the sole benefit of the student;

''(v) not deny or otherwise impede the borrower's choice of a lender or cause unnecessary delays in loan certification under this title for those borrowers who choose a lender than has not been recommended or suggested by the institution.

''(B) For the purposes of subparagraph (A)(ii)—

''(i) the term 'affiliate' means a person that controls, is controlled by, or is under common control with another person; and

''(ii) a person controls, is controlled by, or is under common control with another person if—

''(I) the person directly or indirectly, or acting through 1 or more others, owns, controls, or has the power to vote 5 percent or more of any class of voting securities of such other person;

''(II) the person controls, in any manner, the election of a majority of the directors or trustees of such other person; or

''(III) the Secretary determines (after notice and opportunity for a hearing) that the person directly or indirectly exercises a controlling interest over the management or policies of such other person.

''(C) The Secretary shall maintain and update a list of lender affiliates of all eligible lenders, and shall provide such list to the eligible institutions for use in carrying out subparagraph (A).''.

SEC. 4. NOTICE OF AVAILABILITY OF FUNDS FROM FEDERAL SOURCES.

Section 128 of the Truth in Lending Act (15 U.S.C. 1638) is amended by adding at the end the following:

''(e) DISCLOSURES RELATING TO PRIVATE EDUCATIONAL LOANS.—

''(1) IN GENERAL.—In the case of an extension of credit that is a private educational loan, other than a loan secured by a dwelling or an open end credit plan, the creditor shall provide in every application for such extensions of credit and together with any solicitation, marketing, or advertisement of such extensions of credit, written, electronic, or otherwise, the disclosures described in paragraph (2).

''(2) DISCLOSURES.—Disclosures required by this subsection shall include a clear and prominent statement—

''(A) that the borrower may qualify for Federal financial assistance through a program under title IV of the Higher Education Act of 1965, in lieu of or in addition to a loan from a non-Federal source;

''(B) that in many cases, a Federal student loan may provide the consumer with more beneficial terms and conditions, including a lower annual percentage rate and fewer and lower fees, than private educational loans;

''(C) that the consumer may obtain additional information concerning such Federal financial assistance from their institution of higher education or at the website of the Department of Education; and

''(D) such other information as the Board may require.

''(3) CLEAR AND CONSPICUOUS DISCLOSURE.—The disclosure required under paragraph (2) shall be placed in a conspicuous and prominent location on or with any written application, solicitation, or other document or paper relating to any extension of credit consisting of or involving a private educational loan for which such disclosure is required under this subsection.

''(4) WRITTEN ACKNOWLEDGMENT OF RECEIPT.—In each case in which a disclosure is provided pursuant to paragraph (2) and an application initiated, a creditor shall obtain

a written acknowledgment from the consumer that the consumer has read and understood the disclosure.

''(5) ADDITIONAL DISCLOSURES.—In the case of an extension of credit that is a private educational loan, other than a loan secured by a dwelling or an open end credit plan, the creditor shall make available, in a clear and accessible manner (including through the website of the creditor), the information required by sections 153(a)(1)(B)(iv) and (v) of the Higher Education Act of 1965.

''(6) PROVISION OF INFORMATION.—Before a creditor may issue any funds with respect to an extension of credit described in paragraph (1) for an amount equal to more than $1,000, the creditor shall notify the relevant postsecondary educational institution, in writing, of the proposed extension of credit and the amount thereof.

''(7) REGULATORY AUTHORITY.—The Board—

''(A) shall issue such rules and regulations as may be necessary to implement this subsection; and

''(B) may, by rule, establish appropriate exceptions to the requirements of this subsection.

''(8) DEFINITIONS.—As used in this subsection, the terms 'private educational loan' and 'covered institution' have the same meanings as in section 151 of the Higher Education Act of 1965.''.

SEC. 5. IMPROVED INFORMATION CONCERNING THE FEDERAL STUDENT FINANCIAL AID WEBSITE.

Section 131 of the Higher Education Act of 1965 (20 U.S.C. 1015) is amended by adding at the end the following new subsection:

''(e) PROMOTION OF THE DEPARTMENT OF EDUCATION FEDERAL STUDENT FINANCIAL AID WEBSITE.—The Secretary—

''(1) shall display a link to the Federal student financial aid website of the Department of Education in a prominent place on the homepage of the Department of Education website; and

''(2) may use administrative funds available for the Department's operations and expenses for the purpose of advertising and promoting the availability of the Federal student financial aid website.

''(f) PROMOTION OF AVAILABILITY OF INFORMATION CONCERNING STUDENT FINANCIAL AID PROGRAMS OF OTHER DEPARTMENTS AND AGENCIES.—

''(1) AVAILABILITY OF INFORMATION.—The Secretary shall ensure that the eligibility requirements, application procedures, financial terms and conditions, and other relevant information for each non-departmental student financial assistance program are easily accessible through the Federal student financial aid website and are incorporated into the search matrix on such website in a manner that permits students and parents to readily identify the programs that are appropriate to their needs and eligibility.

''(2) AGENCY RESPONSE.—Each Federal department and agency shall promptly respond to surveys or other requests for the information required by paragraph (1), and shall identify for the Secretary any non-departmental student financial assistance program operated, sponsored, or supported by such Federal department or agency.

''(3) DEFINITION.—For purposes of this subsection, the term 'non-departmental student financial assistance program' means any grant, loan, scholarship, fellowship, or other form of financial aid for students pursuing a postsecondary education that is—

''(A) distributed directly to the student or to the student's account at the institution of higher education; and

''(B) operated, sponsored, or supported by a Federal department or agency other than the Department of Education.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. MCKEON) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

GENERAL LEAVE

Mr. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to insert materials relevant to H.R. 890 into the RECORD.

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

There was no objection.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation, H.R. 890, the Student Loan Sunshine Act of 2007. I offer this legislation along with Mr. MCKEON, the senior Republican on the Education and Labor Committee; and Mr. HINOJOSA, the subcommittee Chair of the Higher Education Subcommittee on the Education and Labor Committee.

This legislation would protect students and families from the corrupt practices and abuses that for too long have been allowed to run rampant within the student loan industry.

Ensuring that our Nation's student loan programs are working as effectively as possible to help students and parents pay for the cost of a college education, it is paramount to the goals of this Nation recognizing the importance of students' achieving a college education so they can fully participate in American society and the American economy. And working to make that more accessible and affordable has been the long-term goal of both parties of this government.

But now what we see is that this program has been badly corrupted. This program has started to be hollowed out by the activities of lenders, of universities, of individuals within the government, individuals within the university system, individuals within the lending community. For 6 years this administration has been put on notice of these activities taking place in the student lending program with ever-mounting evidence and public statements and concerns echoed by members within the administration from the previous administration calling to the problems that were occurring within the student loan programs. It is becoming increasingly clear that the student loan program has been hijacked by third parties who saw that they could run this program to their financial benefit. Unfortunately, that meant that it was being run to the detriment of the students and the families who are borrowing the money who are struggling to pay this money back so that they could achieve a college education.

We introduced this legislation first in February when it was disclosed by New York Attorney General Andrew Cuomo that he was expanding an investigation into the relationships between lenders and colleges and universities across the country.

Throughout the previous years, stories have surfaced about inducements and kickbacks and conflicts of interests, bribes and payoffs ranging from sending college employees on exotic vacations to staffing school financial aid offices during the busiest time of the student aid calendar. These inducements are offered by lenders to secure a spot on the preferred lender list, a list that supposedly presents to the students and to their families that this is a list of trust, that these are the best loans available for a number of reasons to those students. But we now learn that securing a position on a preferred lender list was really, in many instances with many universities and with many lenders, an act of corruption, not an act of transparency, not an act of honesty, not an act in the best interest of the students and/or their parents, and not in the best interest of achieving the lowest possible cost for those students' education.

But entry into the preferred lender meant more than just having this coveted spot. It meant a near guarantee of business. It meant an opportunity for lenders to prey on families and offer them private loans. It also meant that students weren't given the best information, the most accurate information. It also meant increased cost to the students and to their families.

Since we first introduced this bill, ongoing investigations at the Federal and State levels and by news organizations have shed new light on the scope of the corruption and the conflicts of interest surrounding these lists that are undermining the Federal student loan aid program that millions of borrowers have come to depend upon. We have learned more about the astonishing degree to which lenders buy their way into colleges and universities through excessive inducements, which is the polite word, or what might be termed ''bribery,'' which might be a better word, in order to boost their marginal profits.

All of this, all of this was known to the Department of Education. Suggested changes were left behind by the Clinton administration to this program. Department employees raised these concerns and others with the Department of Education, and no action was, in fact, taken. And what we see, of course, is that less protection was provided to students and to their families.

We have learned that these inducements include college officials being paid to serve on lender advisory boards and receiving stock in the companies. We have learned that these conflicts of interest do not end with college financial aid officers. It has been revealed that at least one public official in the Office of Federal Student Aid, the arm of the Department of Education that runs the student aid program, held hundreds of thousands of dollars of stock in a major student loan company.

But this is just the tip of the iceberg. Lenders and schools must be held accountable for any practice that compromises the trust that students and parents deserve to have in our Federal student aid program. Today, by passing the Student Aid Sunshine Act, we are taking clear and important actions to put an end to the corrupt practices and conflicts of interest that for too long have been allowed to dominate this industry.

□ 1030

We call on lenders, institutions and the Department of Education to also take appropriate action to end these practices, and we insist that they recognize their fiduciary responsibility to the students and their parents who are the borrowers of this money, the borrowing of money that they struggle to pay back for many years afterwards.

I am proud to be joined by my colleagues on the Education and Labor Committee, BUCK MCKEON, the senior Republican, and, again, RUBÉN HINOJOSA of the Subcommittee on Higher Education to bring to the floor a stronger, more comprehensive, bipartisan Student Loan Sunshine Act. This bill will prevent these egregious practices from occurring in the future by reinstating trust in our schools through strict codes of conduct, guaranteeing loan options and ensuring the best loan possible, ensuring equal and timely processing of loans, giving students full and fair information when taking out and repaying loans, protecting students from aggressive marketing practices and inserting the fiduciary responsibility for all parties to these agreements.

Further, this bill bans all gifts, participation on advisory boards and risk-sharing agreements between lenders and schools and ensures greater transparency and accountability when schools recommend lenders for the students.

I urge all of my colleagues to join us in voting for this legislation. Today, I think we can take this critical step toward returning these programs to the very people they were intended to serve, students and parents who are borrowing this money. It's time to protect these students and parents and end the exploitation and the abuses of the student loan program.

Again, I want to thank my colleagues on the committee for all their assistance in drafting this legislation.

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

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

Mr. Speaker, I rise in support of this legislation and thank Chairman MILLER and Chairman HINOJOSA, Ranking Member KELLER, and their staffs and my staff for striking a bipartisan accord to advance this bill.

I have often said that in order to begin reaffirming trust in our student aid system all stakeholders must step up. That means lenders, colleges, the Education Department, States and Congress all have a role to play.

Within the past few weeks, Secretary of Education Spellings established an internal task force to review her Department's oversight of Federal student loan programs; and, today, the U.S. House is stepping up as well. It is an important step, to be sure. We are stepping up today for a single, fundamental reason, to ensure our Nation's financial aid system continues to serve the need of the students who depend on it for the opportunity to get an education.

This isn't about us versus the lenders or us versus the financial aid officers, and this isn't about direct loans versus the market-based FFEL program. And, for the record, I continue to strongly support FFEL and a healthy competition between the two Federal programs. This is about protecting the interests of millions of young men and women who expect our student aid system to be there for them when they need it.

Several weeks ago, my Education and Labor Committee colleague, Mr. KELLER, and I introduced comprehensive legislation to begin the process of reaffirming our trust in the financial aid system. I am proud that our bill served as an impetus for bringing the measure before us to the House floor.

Our legislation built on many of the financial aid reform recommendations Chairman MILLER made earlier this year, and I am pleased that what we are poised to advance today reflects a broad agreement to set these important reforms into motion.

Like my bill and Chairman MILLER's bill, the bipartisan agreement we will vote on today does not explicitly outlaw the practice of preferred lender lists. Rather, it reforms this practice to ensure that it continues to serve the interests of our students. Like my bill and Chairman MILLER's bill, the bipartisan agreement we will vote on today aims to protect against conflicts of interest between lenders and financial aid officers. And like my bill and Chairman MILLER's bill, the bipartisan agreement we will vote on today allows lenders to seek advice from institutions in order to improve products and services for students.

However, the measure Mr. KELLER and I introduced went even further than past recommendations, and I am pleased the agreement we will vote on today incorporates our important modifications. For example, just as in the bill I authored with Mr. KELLER, the measure before us asks colleges to develop their own unique codes of conduct that must include restrictions on anything else that may give the appearance of a conflict of interest between financial aid officers and lenders. And just as in the bill I authored with Mr. KELLER, the measure before us bans revenue sharing between lenders of private loans and colleges or universities.

Mr. Speaker, the FFEL and other financial aid programs successfully serve millions of students and their families every year, and this bill makes our system even better. As we move forward from here, we must not lose sight of the fact that the Federal financial aid system must work for students and colleges alike. We must be careful not to overreach, as Congress does all too often, but we do need to reaffirm our trust in the system. I believe this bill does just that.

I urge my colleagues to join me in supporting it.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, I failed to acknowledge and I want to acknowledge Mr. KELLER's help in the drafting of this legislation. He is the senior Democrat on the Higher Education Subcommittee.

I would like to yield 3½ minutes to the Chair of that subcommittee, Mr. HINOJOSA.

Mr. HINOJOSA. Mr. Speaker, I rise in strong support of H.R. 890, the Student Loan Sunshine Act. This is the legislation that cannot wait. Given the daily revelations of scandals, conflicts of interest and cozy relationships that undermine public confidence in our student loan programs, it is imperative that we act now to restore integrity.

I would like to thank Chairman MILLER and Ranking Member MCKEON, as well as the ranking member of the subcommittee from Florida, RIC KELLER, in approaching this legislation with urgency and bipartisanship. It is time to take a stand and put the interests of students and families first. This legislation is an important signal that we in Congress are committed to doing just that.

Mr. Speaker, this legislation will ban the most egregious practices that have been uncovered by Attorney General Cuomo in New York. Just read the New York Times this morning and you will see all that has been uncovered. It will require lenders and institutions alike to adhere to a strict code of conduct. It will ensure that preferred lender lists are based on the best deal for students. It will ensure that students and families have accurate, unbiased information about their loan options. It will ensure that borrowers are able to exhaust their Federal loan eligibility before being steered to pricier private loan packages.

The crisis of confidence in our student loan programs shines a light on a larger problem. We have a crisis in college affordability for our low- and middle-income families. College costs are rising rapidly, and Federal student aid has not kept pace. According to the Advisory Committee on Student Financial Assistance, paying for a 4-year public university costs our lowest-income families 87 percent of their income. We are expecting these families to come up with over $10,000 per year through work or loans to pay for college.

Quite simply, we have left low- and middle-income families to fend for

themselves when it comes to financing a college education. After 4 years of stagnation, the maximum Pell Grant stands at only $4,310. We have left families rudderless when it comes to navigating the explosive growth in the student loan programs. We have not looked after their interests.

After listening to many representatives of Federal and private college loan programs, I am convinced that we here in Congress must take this bipartisan action to restore integrity to this important program. The Student Loan Sunshine Act is a first step in restoring faith in our student aid programs and fulfilling the promise of the Higher Education Act.

Mr. Speaker, we have more work to do, but let's get this job done today. I strongly urge my colleagues to support H.R. 890, the Student Loan Sunshine Act.

Mr. MCKEON. Mr. Speaker, I yield now 4 minutes to the ranking member Republican on the Higher Education Subcommittee, the gentleman from Florida (Mr. KELLER).

Mr. KELLER of Florida. I thank the gentleman for yielding. And I appreciate the Freudian slip by Congressman Chairman MILLER. I still am Republican. I am reminded every day when my parking space is now out in Maryland that I'm a Member of the minority party here.

I rise today in support of the Student Loan Sunshine Act, H.R. 890, for three specific reasons.

First, this legislation fully includes legislation that I authored called the One-Stop Financial Aid Information Act, H.R. 1522, which creates an easy-to-use one-stop Web site for students and their families about financial aid information for college, including information about Pell Grants, student loans and scholarships offered by various Federal agencies. Far too many young people give up on their chance to go to college because they lack information about the various grants and scholarships available to them. Now they will have all this information right there at their fingertips as a result of an easy-to-access link right there on the home page of ed.gov.

I want to especially thank Congressman HENRY CUELLAR of Texas. It was Congressman CUELLAR who actually conceived of this idea and shared it with me on a codel that he and I had to Iraq based on his positive experience with a similar Web site in Texas, and he is a coauthor of this provision.

The second reason I support this legislation is because it specifically includes a financial aid code of conduct that must be adopted by colleges; and that language is taken out of the bill authored by Congressman BUCK MCKEON called the Financial Aid Accountability and Transparency Act, H.R. 1994. In a nutshell, it provides that there shall be no conflicts of interests, gifts or revenue sharing between lenders and colleges or their employees.

The third reason I support this legislation is because it does not ban preferred lender lists under the market-based FFEL program. Now after the recent student loan scandal, some of which was highlighted by Attorney General Andrew Cuomo of New York, there was a temptation on a handful of people's part to overreact. Some wanted to abolish or place a moratorium on preferred lender lists. Some even suggested that we switch from the market-based FFEL program to direct lending. This appropriate legislation doesn't contain that overreaction, and I'm proud that it doesn't, and the reason is preferred lender lists play a very positive role when done right.

There are literally over a thousand student lenders. Some of those lenders have lower interest rates, low origination fees, more flexible terms for deferring repayments and better customer service. On the other hand, there are lenders that have higher rates and fees, bad customer service and can be characterized as fly-by-night operations. It's pretty hard to tell if you're an 18-year-old kid which lender is which, but if you're a financial aid administrator who has been in the business for two or three decades, you can give some guidance into that issue.

This bill specifically allows these preferred lenders to still have a preferred lender list, provided that each college gives a choice of at least three lenders, the college disclose why they were selected as a lender, and the college disclose what terms they remain a lender. That is a pretty fair and appropriate response to the scandals that we have had and a pretty good contrast to what we have with the Federal direct lending program where a college says you only have one lender, it's the Federal Government, and there is no competition for lower fees or rates.

In closing, Mr. Speaker, this legislation helps to rein in some of the bad apples in the student loan industry, while preserving the healthy and appropriate competition between the direct lending and FFEL program. For these reasons, I urge my colleagues to vote ''yes'' on this legislation.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

□ 1045

Ms. WOOLSEY. Mr. Speaker, I want to thank Chairman MILLER and Ranking Member MCKEON for putting forth a good and necessary bill to protect our college students from the loan industry practices that actually work against, not for, those students who need the help. Every student in America who wants to go to college deserves the opportunity to do so, and we need to make it easier for them to go to school, not harder. Our students deserve all the help we can give them to ensure that they not only get a good education, but that they also don't come out of college saddled with loans or interest rates that will haunt them for years and years to come.

This bill will ensure that the student loan companies and some financial aid officers can no longer benefit from directing students to any particular loan company. What a concept. Loans should be for our children and for our students, not for those who are involved in the industry.

The Student Loan Sunshine Act ensures that students get the best possible options when deciding on a loan. A vote for this bill is a vote for our college students and for giving every child the opportunity to succeed in life, and indeed it is a vote for the future of the United States of America, because these young people are our future.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise in support of the Student Loan Sunshine Act, and I congratulate Chairman MILLER for bringing the principles of honest leadership to higher education financing.

The cost of higher education has increased dramatically over the past few years, making college less affordable for many families. Financial aid is an important tool in helping make the cost of college more affordable. The people and institutions that administer these loans must be held to the highest ethical standards. For most students, their college loan will be their first form of major debt after their graduation.

As we encourage financial literacy and responsibility among this generation of young people, we must ensure that students are protected. They need to understand and know that their lenders and their financial aid administrators are in their corner and that they don't have individuals that are trying to undermine them or make money on the backs of these students.

Financing a college education is dependent on industry and institutional accountability. Strict codes of conduct will ensure this accountability.

Additionally, I am also supportive of the Department of Education's efforts to install new safeguards to protect students' privacy. We need to make sure that our students can have the utmost confidence in the system that is designed to provide them the opportunity to pay off their loans after their education and go on to become productive members of our society.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2½ minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, I would like to thank the chairman and the ranking member for their leadership on this issue.

Mr. Speaker, not one of us would be here if it wasn't for the ability to afford a college education, and although we are talking about cleaning up a mess, it is quite clear we should also remember what is happening here. For a long time, there was no oversight or

any accountability in administration, and people from industry were actually in the responsibility, and their response was to govern and oversee industry they came from. So what did they do? They cut out the middleman. There is no need for a lobbyist, because the industry is the government in this case.

What is most ironic in this situation on the student loan situation is industry was getting taxpayer subsidies to run a business in which the very students that were also dependent on their parents were also paying the bill. They were paying on the front end and on the back end. And it was a total rip-off of the American taxpayers. And it is on a subject, college education, that is so essential, because we know, today, in the new economy, you earn what you learn.

What we are taking is people's ability to achieve the American Dream, which is so essential, a college education, that ticket to the American Dream. And rather than see what was an honorable profession, something important that could be done with good business practices, it has turned into a scandal that has affected both the schools and the administrators of those schools, public officials responsible for it, and the lenders in that industry. It was affecting everybody.

Now, I hope, and from conversations with the chairman, we can rest assured this is just the first step in changing the rules of the game so industry and those in the lending industry understand and those in the regulatory side of it that there is a new way we are going to do business. And there is a new code of conduct for both the public officials and those in the lending industry, because we must fundamentally remember, a college education is a ticket to the American Dream, in a society and economy where you earn what you learn.

I do want to recognize the Attorney General of New York for leading this effort, for Congress in a bipartisan fashion stepping up to the plate and taking the first step with this sunshine act.

But we are not done in cleaning up the mess as it relates to the college loan industry. This is only the first step to doing that, to cleaning up this mess, because it relates to other areas. We saw it today when the individual responsible for the oil and gas leasing and royalty payment industry because of congressional oversight is now stepping down because it is clear taxpayers were not given their fair shake.

We are doing the right job, and I commend both parties in the committee for holding these oversight hearings and producing this legislation and hope that we continue, as we did in the Six in '06, we voted, first of all, to cut the interest rates on student loans; we take this sunshine act, we come back with the higher education bill. We come with the FASA reform. We constantly make sure that we are reforming higher education and the access to higher education, so we serve the people who are doing right, working hard, paying taxes and raising their kids with the right sense of values to do right. This is an industry that needs a whole top-to-bottom cleaning and washing.

Thank you for your leadership, Mr. Chairman.

Mr. Speaker, for the past 6 years, the public has had to watch as scandal after scandal fell on deaf Republican ears.

How times have changed.

Today, Democrats are demanding accountability and ending business as usual.

We've put the spotlight on the rampant corruption in the Bush administration and the scandals that used to be shoved under the rug are now being exposed.

And the new Democratic Congress is getting results for the American people.

The latest corruption scandal involves lenders, schools and public officials and has undermined a vital student loan program that millions of students depend on.

On Monday the New York Times reported that over 4 years ago a researcher at the Education Department tried to warn his supervisors that student lending companies were improperly collecting hundreds of millions in overpayments.

Big companies were getting millions from the very taxpayers who were getting the bill on the other side. So what did the Bush administration do?

Nothing.

Top officials at the Department of Education's Student Aid Office made millions when they sold stock they held in lending companies.

What did the Department do when confronted with this obvious conflict of interest?

Nothing.

It wasn't until the media and this Congress began in oversight demanding accountability that these officials were put on leave. And yesterday, the head of Federal Student Aid abruptly announced her resignation.

Additionally, the Attorney General of New York uncovered a number of improper relationships between lenders and schools, where colleges received payments in exchange for steering loan volume to particular lenders.

It is time to clean up this mess and bring transparency to the system.

The legislation before us will do just that and help ensure this sort of scandal never occurs again.

Madam Speaker, students and families have been the victims of corporate greed, bribery and corruption in the Bush administration.

Now, it's time to put an end to these scandals and pass real reform.

I urge all of my colleagues to support this legislation.

Mr. MCKEON. Mr. Speaker, I yield myself such time as I may consume to close the debate.

Mr. Speaker, what our job is here in Washington as legislators is to represent the people from our districts, the people from around the country. Specifically on the Committee on Education, we have the responsibility to protect and encourage those young people who are trying to receive an education, both K–12 level and those who want to continue their education throughout their lifetime at the higher education level.

We have passed many laws that try to make it easier for people to achieve the American Dream through education. Sometimes we have people that skirt those laws or take them up to the edge. When we find problems, it is our responsibility to address those problems.

We have about 6,000 schools across the country that participate in the Federal financial aid programs. They have financial aid officers that work with the students that come into the schools to help them get a Pell Grant or get other financial aid that is available, or they help them find a loan company that will help them get a loan that is needed to achieve their education.

We have about 3,500 lenders that participate in these loans. Again, some of the lenders have crossed the line or gotten too close to the line, as with some of the financial aid officers, but we definitely don't want to paint all lenders, all schools, all financial aid officers, with a broad brush, saying they are all corrupt. Most of them, the vast percentage of them, are doing a great job of trying to carry out their mission and helping students achieve their goals.

This piece of legislation will help make that law stronger, to verify that those students will get the most help in getting the loans and getting the financial aid they need to achieve the American Dream, and I am happy to be a part of this, to make it come to pass. I am hopeful that the other body will pick up this legislation and move forward with it. I encourage all of my colleagues to support this law.

Mr. Speaker, I thank, again, Chairman MILLER for being expeditious on this and getting this bill to the floor quickly.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Speaker, in closing, I want to say that this work that has been done by Chairman MILLER and Ranking Member BUCK MCKEON has been something that I have really appreciated.

This is an $85 billion industry, and when you take the for-profit groups that are lending money, it exceeds $100 billion. I foresee that, with this legislation, we are going to see an increase as a result of that. We should be looking at $110 billion being lent, because it will be easier and much more acceptable to be able to borrow money at a lesser cost to the families.

Finally, in the area that I come from, were it not for these student loans, the Pell Grants and the Perkins Act loans that are available, many minority families' children, boys and girls, would not be able to go to college.

So we are pleased with the leadership of these two gentlemen, and I look forward to seeing its passage.

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman from Texas for his remarks and for his leadership on this. I thank Mr. MCKEON and Mr. KELLER for all of their cooperation, for their suggestions and for the introduction of the bill soon after this came to light by Mr. MCKEON. I think it was very helpful in our discussions with Attorney General Andrew Cuomo. I certainly want to thank him for his diligence and the speed with which he responded to this information.

Tragically, much of this information has been available for a considerable period of time. Tragically, what we now are making against the law, the conduct we are now changing almost became the preferred way of doing business among many of the colleges and universities and the lenders which they utilized on behalf of their students.

It is just inconceivable that when people understand, and it is brought to our attention every day, the decisions that students and their families have to make about whether to pursue a college degree, the costs that are incurred, the sacrifices that are made by working families, by all families, by the students, many of whom then work part time and full time to augment the cost of that college, when that sacrifice and those determinations and decisions are made by those families, to have that process corrupted by some of the largest corporations in America, some of the wealthiest corporations in America, that they would see somehow a way to skim off, to skim off the profits and the costs at the expense of these students and of the taxpayers that put up the money.

The reason we guarantee these loans is to try to drive this money to the students and their families at the lowest possible cost so that they can afford to go to college; they can afford to take a job and pay back the cost of their college. That is the public purpose. Now that public purpose has absolutely been prostituted by the Department of Education, by many of the lending institutions and by many of the colleges and much of the personnel that works for them.

This legislation is a first step, a bipartisan step to stop those practices in their tracks, to get this program right side up for the benefit of the families and the students who are borrowing the money. To serve notice on the institutions, the lenders, the institutions of higher education and the people who work in these programs that this will no longer be tolerated.

Once again, this program has to come to the point where it is again serving the families and the students who are making this sacrifice to achieve a college education at the lowest possible cost. That is the public interest, that is the public purpose, and we will not have that corrupted. We will not have that corrupted, either by the public agencies or the private agencies that are engaged in this program.

The next step is to bar those agencies if they continue in this practice. That would be a horrible thing to do for those institutions, but we will not allow this to continue. And as we consider the Higher Education Act, we are going to continue to pursue ways in which we can reform this program and make it work for those for whom it was designed, the families and the students.

I want to thank the staff on both sides of the committee that were so helpful in understanding the programs and the changes that needed to be made, that went through the evidence and responded in this legislation, so that the House of Representatives could go on record that we will not allow this to happen on our watch.

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Mr. MCKEON. Mr. Speaker, I ask unanimous consent that both sides be allocated an additional 1½ minutes in order to allow Mr. CASTLE, the ranking member, who has just arrived, to speak on the bill.

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

There was no objection.

Mr. MCKEON. Mr. Speaker, I yield 1½ minutes to the gentleman from Delaware (Mr. CASTLE).

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

Mr. CASTLE. Mr. Speaker, let me thank both Mr. GEORGE MILLER and Mr. MCKEON. I am in total agreement with them on this legislation. I also would like to thank the staff for their working on this.

I think it is a shame that we have gone through the last few months and all the revelations of the problems in the student loan industry on a whole variety of levels. I am not here to attribute blame to anybody at this point but to suggest we do have a role in getting involved in this and to make a difference. I will submit my prepared statement, but I would like to go just a little beyond that.

I think everyone in America, in terms of being competitive, has to do everything we can to educate our young children. Clearly, student loans by the individual students and the families need to be taken into consideration, but so does the cost of college.

As we look at the Higher Education Act which Chairman MILLER referenced, it is vitally important that we make sure that our colleges are being closely analyzed in terms of keeping those costs down. The Federal Government cannot do it all with respect to grants and loans or whatever it may be. Indeed, we need to close the gap between the cost of college and what people can afford. Hopefully, we can continue to work on this.

This is a wonderful first step. I hope everyone is supportive of H.R. 890. I certainly am supportive of it and concur with statements that have been made today.

I rise in support of H.R. 890, the Student Loan Sunshine Act, which will return the focus of the financial aid process to serving the needs and interests of students. H.R. 890 is the first step in ensuring that the federal student aid program is kept on a firm foundation for generations to come.

As Congress moves towards reauthorizing the Higher Education Act, the reforms in H.R. 890 are steps in the right direction to ensure the financial aid system works for students and colleges alike.

In addition to this bill, the Committee has also held one investigative hearing on findings by New York Attorney General Andrew Cuomo on the relationship between student loan lenders and the financial aid offices in institutions of higher education. Tomorrow the Committee will hold a second in investigative hearing, asking U.S. Secretary of Education, Margaret Spellings about alleged lapses in the Department's oversight of the federal student loan programs. Additionally, Mr. PETRI and I have sent a letter to the Congressional Research Service (CRS) requesting information from them about the private loan industry. By answering some of these questions and by passing this legislation today, I am hopeful Congress can work to restore confidence in the federal student loan system.

I urge my colleagues to support H.R. 890, the Student Loan Sunshine Act, to help serve the needs and interests of our students and to restore confidence in our federal loan system.

Mr. PETRI. Mr. Speaker, I rise today in support of H.R. 890, the bipartisan Student Loan Sunshine Act, as a first step towards comprehensive student loan reform. The series of scandals that have surfaced over the last month have underscored the need for clear and explicit guidance on student lending ethics. These revelations of kickbacks, financial aid officer compensation, lavish travel, and aid office staffing are just a few of the egregious practices lenders have employed to buy access on preferred lender lists and manipulate the trust of both students and taxpayers.

In supporting H.R. 890, however, we must remember that these abuses are merely symptoms of a very broken system: the Federal Family Education Loan (FFEL) program. The excessive subsidies made to student lenders through this archaic loan-delivery system cost taxpayers approximately $5 billion more each year than the comparable Direct Loan program. Indeed, the Office of Management and Budget, Congressional Budget Office, Treasury Department, Government Accountability Office, and other economists are all in agreement that the FFEL structure is hemorrhaging taxpayer subsidies. While this wasteful spending is inexcusable, it is even more appalling that none of these excess subsidies filter back down to students in the form of borrower benefits, but rather have been used to underwrite these unethical practices.

Let me be very clear, while the Sunshine Act is a positive first step towards reform, we must only consider it a stop-gap measure to limit further abuse of the FFEL program while we develop a comprehensive, structural loan reform. In the coming months, Congress will have another opportunity to consider changes to this nation's higher education laws. The real test of our resolve will be whether we settle for

yet another Band-Aid on a broken system or if we work to redesign this system to ensure that critical tax dollars in federal student loans provide the best return on our taxpaying constituents' investment.

Mr. Speaker, I invite my colleagues to join me not only in supporting this bill, but also working towards comprehensive student loan reform. Students and taxpayers deserve better, and Congress has the responsibility to deliver these critical reforms this year.

Mr. ANDREWS. Mr. Speaker, I rise in strong support of the Student Loan Sunshine Act. This bill helps to ensure that parents and students have access to all student loan options available to them in order to make the best informed decision.

Some key improvements include providing students information on all federal student aid opportunities through a new ''one-stop'' link on the Department of Education website. This will allow students to have access to all lenders of their choice, and not feel limited with preferred lender list. The bill also requires institutions disclose all relationships with lenders and protects students from aggressive marketing practices.

The student loan industry has been under intense scrutiny recently and it is our obligation as Members of Congress to promote open and honest leadership. I applaud Chairman MILLER for developing a strong piece of legislation that will help restore trust in the student loan industry.

Access to affordable and quality education is a key element to this country's future. As a cosponsor of the Student Loan Sunshine Act, I encourage my fellow colleagues to support this bipartisan legislation.

Mr. CONYERS. Mr. Speaker, I rise today in support of H.R. 890, The Student Loan Sunshine Act of 2007. Over the last few decades the costs of a postsecondary education in our country has increased exponentially. Now, more than ever our nation's students and families are relying on student loans to help pay for a college degree and yet, thanks in large part to the investigative reporting New York Times, we now know that egregious conflicts of interest and corrupt practices among lenders, schools, and public officials are undermining the student loan programs on which millions of borrowers depend. This is unacceptable, and I am pleased that the Education and Labor Chairman GEORGE MILLER has decided to address this situation so promptly.

The Student Loan Sunshine Act cleans up the student loan industry and ensures that students and families will encounter a more trustworthy student aid system in the future by requiring institutions and lenders to adopt strict codes of conduct that adhere to specific guidelines, banning all gifts, participation on advisory boards, and revenue-sharing agreements between lenders and schools, mandating institutions disclose all relationships with lenders, only allowing ''preferred lender lists'' on campuses with strict assurances that the list was created with the students' best interest in mind, ensuring that students have access to all lenders of their choice (including those not on the preferred lender lists), prohibiting staffing of school financial aid offices.

We need to pass this legislation here and now to send a message to all stock holders that Congress and the American public will not abide abusive lending practices and that we are entitled to transparency in student loan programs.

Mr. VAN HOLLEN. Mr. Speaker, in a time when most students graduate with at least $20,000 in debt, it is more important than ever that students can find loans with low interest rates that are easy to pay back. In the best case, students can get federal financial aid. However, more and more students have maxed out that aid and are turning to the private market. Many schools recommend lenders to help students and their families find loans.

Now, most schools do work in the best interest of their students, and choose preferred lenders based on the benefits they can give students. But, as we have seen, some unscrupulous lenders have schemed with certain unscrupulous staff of college loan offices to serve their own special interests rather than the interests of students and their families.

What is worse, the Department of Education knew about these cozy relationships between student loan officials and lenders and did nothing about it. This is indicative of the lack of oversight that has persisted at the Department of Education for the last six years. Some of us in Congress, a few years ago, worked to close a loophole in the federal student loan program that was costing taxpayers millions of dollars. We had to pass a law to force the Department of Education to act—they had refused to issue emergency regulations to stop the subsidy and save money for taxpayers and students.

And now, again, the Department of Education, when faced with a clear conflict of interest between lenders and schools, has failed to respond adequately. Congress must step in to make the rules clear.

This bill does just that. It clarifies appropriate conduct for schools. It encourages private loans to be competitive with federal loans. It makes students more aware of their options by making the student loan market less confusing and more transparent.

Perhaps most importantly, this bill will restore trust between students and their colleges. Students need to be able to trust that their school officials are giving them the best advice in the confusing world of student loans. The provisions of this bill, by requiring schools to disclose exactly how their preferred lenders are chosen, will reassure students and parents that schools are looking out for their best interests.

This bill will help students and parents get the best deal for their money. I encourage my colleagues to vote yes on the Student Loan Sunshine Act, and put in place a system that looks after students' interests, and is not plagued by special interests.

Mr. HOLT. Mr. Speaker, I rise in support of H.R. 890, the Student Loan Sunshine Act and I thank Chairman GEORGE MILLER for bringing this bill to the floor.

With the rising cost of college, students and families are more reliant then ever on student loans to pay for college. At the same time, it is becoming more and more important for these students to earn a college degree to compete for good jobs. U.S. Census data show that, on average, every year of post-secondary education raises a worker's annual earnings, helping the worker to provide for his family as well as to give back to his community. Post-secondary education is becoming more and more important—according to the Bureau of Labor Statistics, the percentage of jobs requiring post-secondary education will rise from 29% in 2000 to 42% by the end of the decade.

Ongoing investigations into the student loan industry have revealed that egregious conflicts of interest and corrupt practices among lenders, schools, and public officials are undermining the student loan programs that millions of borrowers have come to depend on. Just yesterday Theresa Shaw, chief operating officer of the office of federal student aid, resigned from the Department of Education. My own State of New Jersey now has the State Attorney General looking into evidence of agreements between the New Jersey Higher Education Student Assistance Authority and lenders that show lenders paid the agency to market their products to schools.

I am pleased that this bill bans all gifts, participation on advisory boards, and risk-sharing agreements between lenders and schools and requires institutions to disclose all relationships with lenders. The bill ensures that students have access to all lenders of their choice, including those not on the ''Preferred Lender Lists.'' The bill bans staffing of school financial aid offices by lenders, and ensures that schools process all loans, from any lender, and do not steer students away from their first choice. I am also pleased that the bill requires lenders offering private loans to first inform students of their federal borrowing options, so that the student can get the better federal interest rates.

Too often, when students leave college they are not informed of all their repayment options. The bill requires that all exit counseling is provided with the school's involvement and that they inform students of all of their repayment options.

Students deserve clear, straight-forward information and the bill instills enforceable marketing protections, including disclosures and notifications to students and institutions by lenders offering private loans. This bill gives a student the full picture by requiring lenders and institutions to disclose fully and prominently the terms, conditions, and incentives for all loans.

Again, I look forward to the results of the investigation of the State of New Jersey Attorney General and I thank Chairman MILLER for taking these steps to disclose all information about the student loan industry, colleges, and public officials. I ask my colleagues to support this important bill.

Mr. GEORGE MILLER of California. Mr. Speaker, I urge the House to pass H.R. 890, as amended, 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. GEORGE MILLER) that the House suspend the rules and pass the bill, H.R. 890, as amended.

The question was taken.

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

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 1873, SMALL BUSINESS FAIRNESS IN CONTRACTING ACT

Mr. CARDOZA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 383 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 383

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1873) to reauthorize the programs and activities of the Small Business Administration relating to procurement, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Small Business. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Oversight and Government Reform now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 9 or 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 1873 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from California (Mr. CARDOZA) is recognized for 1 hour.

Mr. CARDOZA. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. CARDOZA. Mr. Speaker, I ask unanimous consent that Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 383.

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

There was no objection.

Mr. CARDOZA. Mr. Speaker, I yield myself such times as I may consume.

Mr. Speaker, House Resolution 383 provides for consideration of H.R. 1873, the Small Business Fairness in Contracting Act, under a structured rule. The rule provides 1 hour of general debate equally divided and controlled by the chairman and ranking member of the Committee on Small Business. The rule makes in order the substitute reported by the Committee on Oversight and Government Reform as original text for the purpose of amendment. The substitute shall be considered as read.

The rule waives all points of order against consideration of the bill except for clauses 9 and 10 of rule XXI. The rule makes in order eight amendments that were submitted for consideration that are printed in the Rules Committee report on this accompanying resolution.

Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, the Small Business Fairness in Contracting Act, H.R. 1873, amends key sections of the Small Business Act to assist small businesses in participation in Federal procurement.

The predecessors to the Small Business Administration can be traced back to World War II and efforts by President Roosevelt and President Truman. In fact, during World War II, it was found to be in our national interest to ensure a strong and diverse industrial base.

Through a series of laws and procurement requirements, Congress established a benchmark to give small business every opportunity to compete fairly for the awarding of Federal contracts. Despite this clear mandate in existence for more than 50 years, small businesses, however, have not received their fair share of Federal Government contracts.

For example, in 2006, the Federal Government spent over $417 billion on goods and services in 8.3 million separate contract actions. Small businesses won approximately $80 billion in contracts, approximately 21.5 percent of these contracts. This was the sixth straight year that the government has failed to meet its 23 percent small business contracting goal. This cost entrepreneurs an estimated $4.5 billion in lost contracting opportunities last year alone.

Small businesses suffered this massive loss, despite their importance to our national economy. Small businesses are the engine of our economy. In fact, they are responsible for creating three out of every four jobs in the United States. We cannot afford our budding entrepreneurs to be shut out of what would be an open market and be denied the opportunity to succeed. Not when their existence is so vital to our national economy.

We should not be shutting them out. Instead, we should be opening doors and shepherding their growth to ensure continued prosperity.

There are many reasons for the failure to break the stranglehold on Federal contracting process. In response, H.R. 1873 takes several necessary steps to address some key causes. H.R. 1873 seeks to break down the barriers for countless entrepreneurs and small businesses that are on the road to opportunity.

First, the bill bans contract bundling. Past practice has been to combine two or more smaller contracts into a single, larger package. While this bundling may be administratively convenient, it reduces competition and opportunity for small businesses.

Bundling squeezes small businesses out of the contract competition, benefiting larger, full-scale businesses in the process; and when there is less competition, there is also higher cost on the taxpayer.

To add insult to injury, Federal agencies are skewing the data with respect to small businesses. To give the impression that 23 percent of small business contracting goals are being met, agencies are using contracts awarded to larger companies and including them towards their small business contracting goals. H.R. 1873 seeks to reverse these trends and make it easier for small businesses to compete in the Federal marketplace.

Second, the bill makes an appeals process more accessible. Under current law, small businesses are only allowed to protest the award of a contract if they are directly harmed by it, but they are unlikely to do so given the costs involved in the process. Under the bill, small businesses and trade associations acting on their behalf that are adversely affected, directly or indirectly, by a proposed procurement can now request that the SBA appeal the procurement on their behalf.

H.R. 1873 increases the procurement goals for small businesses. It increases the government-wide goal for the number of contracts awarded to small businesses from 23 to 25 percent, a goal which has not been raised in over 10 years. It also increases from 5 percent to 8 percent the government-wide contracting goals for both disadvantaged and women-owned small businesses.

The bill raises the threshold for small business contract set-asides to the simplified acquisition threshold. It also requires that an independent audit of the Central Contracting Registry be conducted on a biannual basis to ensure that large firms are not misrepresenting themselves as small businesses.

Mr. Speaker, the opportunity for open competition for Federal contracts is immensely important to small businesses. This bill has strong bipartisan support. It passed the Small Business Committee by a voice vote, and it was sequentially referred to the Committee on Oversight and Government Reform where it also passed by a voice vote.

I would like to thank both committees for their hard and thoughtful work in bringing this legislation to the floor today. In particular, I extend my thanks to Chairwoman VELÁZQUEZ, the subcommittee chairman, Mr. BRALEY, and Chairman WAXMAN.

Mr. Speaker, we all recognize the importance of small businesses to our economy, and we must act on this bill without further delay.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would like to thank my friend from California (Mr. CARDOZA) for the time, and I yield myself such time as I may consume.

Small business is the engine that drives our economic strength. The almost 26 million small businesses in the United States employ over half of all private sector workers and pay approximately 45 percent of total U.S. private payroll. Over the last decade, small businesses have generated 60 to 80 percent of new jobs each year.

Congress, for many decades, has acknowledged the important role small businesses play in the Federal procurement process. That is evidenced in the Small Business Act of 1953 which states: ''It is the declared policy of the Congress that the government should aid, counsel, assist and protect the interests of small business concerns in order to preserve free competitive enterprise and to ensure that a fair proportion of the total purchases and contracts or subcontracts for property and services for the government be placed with small business enterprises.''

In 2006, the Federal Government spent over $417 billion on goods and services in 8.3 million separate contracts. Small businesses won a little over 21 percent of those contracts.

H.R. 1873, the Small Business Fairness in Contracting Act, seeks to assist small businesses' participation in the Federal procurement process.

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Among its provisions, it expands and clarifies the definition of contract bundling to try to ensure that small businesses can fairly compete for Federal contracts. Contract bundling combines two or more contracts into a single larger package. Bundling can put small businesses at a disadvantage in the procurement process because the bid price usually goes beyond what small businesses can afford.

This legislation, the underlying legislation, sets a target of 25 percent for the overall number of Federal contracts awarded to small businesses and a target of 8 percent for contracts awarded to minority- and women-owned businesses. The bill also provides a mechanism for the SBA to work with Congress when it believes that the Federal contract was improperly bundled.

Mr. Speaker, yesterday the majority on the Rules Committee reported out yet another restrictive rule, going back once again on the promise for a more open and fair legislative process. What makes this rule most unfortunate is that it does not include even one Republican amendment. So I think the question is begged, how can the majority claim to be fostering an open legislative process when it totally shuts out the minority?

During testimony at the Rules Committee, Small Business Ranking Member CHABOT explained that the Government Oversight Committee subsequently made several major changes to the bill that would harm small businesses. He proposed several amendments to strike the harmful provisions and restore those in the original bill that came out of the Small Business Committee. Now these amendments were even supported by the Small Business Committee chairwoman, Ms. VELÁZQUEZ, but the majority in the Rules Committee ignored both Committee Chairwoman VELÁZQUEZ and Ranking Member CHABOT and did not make the amendments in order. That was totally uncalled for, and Mr. Speaker, this rule should be defeated.

Mr. Speaker, I reserve.

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

I would just like to respond to the gentleman and my good friend from Florida who serves with me on the Rules Committee. I would like to remind him that while it is true that no Republican amendments by themselves were in order, there certainly was made in order Ranking Member Mr. CHABOT's suggested return of amendments the way it was in the Small Business Committee. He paired with Congresswoman BEAN of Illinois, with Congressman SHULER of North Carolina and with Mr. SESTAK of Pennsylvania in coauthoring three amendments that were, in fact, made in order.

So to say that no Republican suggestions were made in order was simply not totally accurate. In fact, Mr. Speaker, three Democratic amendments and four Republican amendments were not made in order, but a significant number of them are going to be considered today.

We believe that this is, in fact, a very good use of the time of the Members of this House. The Committee on Government Reform is the watchdog committee for this House. They had some issues that they wanted to clarify in the legislation, and I think that the Rules Committee felt that their suggestions had merit in at least two cases.

I also want to make the point, Mr. Speaker, that this legislation is supported by the NFIB, the National Federation of Independent Business; the Women's Chamber of Commerce; the Hispanic Chamber of Commerce; the Women Impacting Public Policy; the National Small Business Association; and the Associated General Contractors of America.

Mr. Speaker, I have one additional speaker who requests some time who is not yet here, and so I reserve my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is quite interesting to see that now it is important for the minority to pair with members from the majority party in order to be considered, that pairing with someone from the other side makes the denial of amendments to all Republican amendments apparently fair.

Mr. Speaker, I yield 6 minutes to the distinguished gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Mr. Speaker, I thank the gentleman for yielding, and I appreciate him for providing leadership on this issue.

I would suggest, Mr. Speaker, that small business is indeed important and vital, but what is before us is not H.R. 1873, the Small Business Fairness in Contracting Act. What is before us is how this House will deal with that bill when it comes to the floor. What is before us is the rule that will allow or not allow open and active debate on this bill.

Now, the new majority has promised us an open and fair process. They promised the American people an open and fair process. But once again, this new majority has put forward a closed and restrictive rule which will not allow an up-or-down vote on many amendments, including one that I offered that would have applied pay-as-you-go spending principles to this legislation.

As my good friend from Florida mentioned, there are eight amendments that have been allowed, all of them, Mr. Speaker, with primary authors being from the majority party. Is that open? Is that fair?

Last term, Speaker PELOSI said, ''Because the debate has been limited and Americans' voices silenced by this restrictive rule, I urge my colleagues to vote against the rule.'' Well, I agree, Mr. Speaker. What changed?

Last term, Mr. Speaker, Majority Leader STENY HOYER said, ''Mr. Speaker, once again this House majority is resorting to heavy-handed tactics that are designed to do one thing only, to achieve a preordained result by shutting down a full and fair debate in this House.'' I agree, Mr. Speaker. What changed?

Last term, Mr. Speaker, the current Chair of the Rules Committee, Ms. SLAUGHTER, said, ''If we want to foster democracy in this body, we should take the time and thoughtfulness to debate all major legislation under open rule, not just appropriations bills . . . An open process should be the norm and not the exception.'' Well, I agree, Mr. Speaker. What changed?

In fact, what has changed is that less than 3 percent of the bills that have been brought to this floor under this majority under a rule have been under an open rule, less than 3 percent. What changed, Mr. Speaker?

Last term, a member of the Rules Committee, Mr. MCGOVERN, said, ''I would say to my colleagues on the other side of the aisle, if you want to show some bipartisanship, if you want to promote a process that has some integrity, this should be an open rule. All Members should have an opportunity to come here and offer amendments to this bill to improve the quality of deliberations on this House floor. They should be able to come and offer amendments to clean this place up.'' And I agree, Mr. Speaker. So what changed? What changed?

Mr. Speaker, last term, current Democrat Caucus Chair, Mr. EMANUEL said, ''Let us have and up-or-down vote. Do not be scared. Do not hide behind some little rule. Come on out here. Put it out on the table, and let us have a vote. So do not hide behind the rule. If this is what you want to do, let us have an up-or-down vote.'' I agree, Mr. Speaker. What changed?

H.R. 1873, the bill today that we will talk about, seeks to increase the opportunity for small businesses to earn Federal contracts by addressing current barriers that face small businesses, and this is important. That is extremely important, but we should do so in a fiscally responsible way.

My amendment would have allowed or would have applied the principles of pay-as-you-go to any new spending authorized by this legislation by requiring that any new spending have a specific offset, be paid for, common sense. It is what we all have to do at home. It is what all of our constituents have to do at home.

Mr. Speaker, this majority, when it was running to take the majority last year, said, ''Our new direction is committed to pay-as-you-go budgeting, no more deficit spending. We are committed to auditing the books and subjecting every facet of Federal spending to tough budget discipline and accountability, forcing the Congress to choose a new direction and the right priorities for all Americans.'' Mr. Speaker, what happened? What happened?

Last month, Majority Leader STENY HOYER was quoted and said, ''We want to get the budget deficit under control. We have said fiscal responsibility was necessary, but we are not going to be hoisted on the torrent of fiscal responsibility.'' Mr. Speaker, heaven forbid that we should be hoisted on the torrent of fiscal responsibility.

Well, Mr. Speaker, rules are not rules if you only follow them when you want to, and the Democrats, the majority party, promised to use PAYGO rules for everything. Instead, they are picking and choosing when to do so. At home, we call that breaking a rule and breaking a promise.

So I urge the new majority to rededicate itself to its campaign promises, its promises of pay-as-you-go spending and of an open and fair process. Fiscal responsibility and an open process should not be something that you just talk about solely before elections. We should be good stewards of the hard-earned money that Americans send to Washington in the form of their taxes all the time, not just during political campaigns.

So I urge my colleagues to oppose this closed and restrictive rule.

Mr. CARDOZA. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, in the last Congress, in both sessions, the Rules Committee reported a grand total of three open rules that were not appropriation rules. Two of them were open rules with a preprinting requirement. In this session, the new majority, we have already done seven open rules, six with preprinting requirements. And that is just in over 4 months.

Say what you want, we have already had a fairer and far more open process than happened in just the last 2 years of the prior majority's rule, when their party ran this place.

Mr. Speaker, Mr. PRICE from Georgia indicated that he has proposed a rule to get our fiscal house in order, an amendment that would do that. Yet, he has offered that same amendment several times in other pieces of legislation. Every time when it was allowed and came to the floor, his amendment failed.

Further, I would like to just mention the fact that the current majority has, in fact, instigated PAYGO rules in the House of Representatives, and so we have made that the law of the House. We, in fact, are bringing fiscal responsibility to this House on a daily basis, something that the prior party in charge was not able to do over 14 years while they were in charge. In fact, the deficit went up at an astounding rate while they were in control of this institution, and it has been the Democrats who have come back to power and are instigating PAYGO rules and fiscal responsibility in the House of Congress.

Mr. PRICE of Georgia. Mr. Speaker, will the gentleman yield?

Mr. CARDOZA. I yield to the gentleman from Georgia for a question.

Mr. PRICE of Georgia. Mr. Speaker, I appreciate the gentleman yielding, and I appreciate you also stating that time and time again this majority party has defeated PAYGO, an amendment that would have provided responsible fiscal spending on the part of the Federal Government, that I have offered.

What it does, does it not, bring clarity to the issue——

Mr. CARDOZA. Mr. Speaker, I reclaim my time. The point of my claim was the gentleman's amendment had failed because we have already instituted the PAYGO rules in our rules of the House of Representatives, and we do that on a daily basis.

When the gentleman's party was in power for a number of years, we saw the largest deficit increases in the history of our country, more foreign debt that they piled on to our Nation, and in fact, we are reversing the course that they set out in their prior control of Congress.

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

□ 1130

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

I thank my friend, my colleague from California, for having admitted on the record that the new majority has seen fit during this Congress to pass one open rule, and that was on the Advanced Fuels Infrastructure Research and Development Act, and I think that's important to be noted.

Now, rules where there are requirements with having to print amendments before the debate begins are not open rules, even though our friends on the majority side have tried to redefine definitions, redraft definitions. But the reality of the matter is that there has been an admission on the floor that there has been one open rule with regard to a noncontroversial bill, and that's the fact.

Now, why is that important? Because they were the party that campaigned on opening the process. So that's why it's a relevant fact that there has been one open rule.

Mr. Speaker, I yield 4 minutes to my distinguished friend, a great leader from Texas (Mr. SESSIONS).

Mr. SESSIONS. I want to thank the gentleman from Florida, a member of the Rules Committee, who I look up to and is a great mentor. I thank the gentleman for yielding the time.

Mr. Speaker, I, too, rise in strong opposition to this rule, which completely shuts out the minority from offering any amendments to improve this legislation.

Last night, the Rules Committee met to consider the 14 amendments offered by Members to improve this legislation; and the Democratic majority voted along party lines to prevent any amendments offered by a Republican from being considered.

I wish I could say that I was surprised by this outcome, but this is nothing new. This new Democratic majority decided to break its campaign trail promises to open up legislative process for all Members. Instead, they have chosen, once again, to play party politics and to help the Rules Committee to solidify its position and reputation as the graveyard of good ideas in the House of Representatives.

I offered one of the Republican amendments that will not be considered by the House today because of the partisanship in the Rules Committee. My amendment would have struck section 303, which mandates the automatic annual recertification of successful small businesses, whether this recertification is necessary or not.

Section 303 will create an administrative nightmare for small businesses

who wish to contract with the Federal Government. Mandating this annual recertification creates a disincentive for businesses to contract with the government, because filing this unnecessary paperwork takes time, takes money and takes manpower, proving that the actions we take here in Congress actually do have real-world consequences.

The Small Business Administration already has the discretion to determine how frequently small businesses must recertify, and the SBA studied and rejected this annual recertification because it would create, as they call it, an unnecessary burden for small business.

The SBA has already passed a recertification rule that goes into effect in June of this year. This rule will protect small business contracts without the added costs and headaches associated with the Democratic majority's heavy-handed proposal. Congress should have allowed the SBA rule to take effect before mandating this new, unnecessary statutory paperwork.

The failure of the Democratic majority to include my amendment proves that this bill is more about politics than it is about policy. Yesterday, person after person from both parties talked about how great it would be for us to help the great engine of this economy, small business. Yet we find out, when it really comes down to it, they want to put rules and regulations on small businesses, whether they are needed or not.

Mr. Speaker, I ask to insert in the RECORD the Statement of Administrative Policy for the bill which specifically states that the bill would impose additional detailed reporting requirements on agencies and prime contractors that would increase costs without clear benefits.

STATEMENT OF ADMINISTRATION POLICY, H.R. 1873—SMALL BUSINESS FAIRNESS IN CONTRACTING ACT

(REPRESENTATIVE BRALEY (D), IA AND 29 COSPONSORS)

The Administration supports efforts to increase opportunities for small businesses to compete for Federal government acquisitions. The Administration, however, opposes H.R. 1873, because it would impose broad, burdensome statutory restrictions on Federal agencies' ability to conduct acquisitions and establish unrealistic small business procurement goals. Although the Administration appreciates the efforts of the House Oversight and Government Reform Committee to address some of the Administration's concerns, its reported bill contains many of the same objectionable provisions as the introduced bill and the bill as reported by the House Small Business Committee.

Among its objectionable provisions, H.R. 1873 would impose costly and time-consuming requirements on thousands of agency acquisitions through an overly-expansive definition of ''contract bundling'' that would include construction contracts, new procurements not previously performed by or considered suitable for small businesses, and task and delivery orders under existing contracts even when bundling justifications were already performed under such contract. These requirements would be in addition to existing rules that already require review of all agency procurements for small business opportunities.

Additionally, the bill would establish unrealistic government-wide and individual agency small business procurement goals that could undermine the small business procurement goal process. Moreover, both the increase in goals and the restrictions on allowing a small business to be counted for only one preferred small business contracting category raise constitutional questions by establishing new race- and gender-based Government preferences without presenting a strong basis in evidence that these preferences meet constitutional standards.

The bill also would overturn a recently issued small business regulation that guards against the abuse of small business preferences while allowing an affected small business a reasonable period of time to take advantage of such preferences during performance of a Federal procurement contract. Finally, the bill would impose additional detailed reporting requirements on agencies and prime contractors that would increase costs without clear benefits.

The Administration would strongly oppose amendments to require the Office of Management and Budget intervention in individual agency acquisition decisions, thereby removing the discretion and flexibility that agencies must have to accomplish their missions by contracting for needed supplies and services. The Administration also would strongly oppose any amendments that require individual agency goals to be no lower than government-wide statutory small business goals, or that apply small business goals to overseas acquisitions.

The Administration looks forward to working with Congress to increase opportunities for small businesses without unnecessarily disrupting agency operations and imposing burdensome requirements on agencies and contractors.

I ask for all my colleagues to oppose this partisan rule, this restrictive rule that will do very little to help small businesses.

Mr. CARDOZA. Mr. Speaker, I would just like to respond to my good friend from Texas and state the committee considered his amendment, proposed amendment, and rejected it for a large reason, because we feel that it is important to make companies certify that they are, in fact, small businesses, that there have been mistakes made in the past, that companies have gotten beyond the threshold and have won contracts that they may not be authorized to do.

Just because the Small Business Administration periodically will go and check that, we don't believe that that is enough of a cause to require that other small businesses be shut out of the process because companies that grow beyond the requirements are allowed special treatment.

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

Mr. LINCOLN DIAZ-BALART of Florida. I would like to thank Mr. CARDOZA, my good friend, and all those who have spoken during this debate.

Mr. Speaker, I would like to reiterate my call for the defeat of this restrictive rule. It is an unfair rule, it is unnecessarily restrictive, and it closes down debate. For that reason, I urge the defeat of this rule.

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

Mr. CARDOZA. Mr. Speaker, in my close, I just want to assure the Members of Congress that we are, in fact, running the most open process in this Congress, that, in fact, we have provided seven open rules.

Now those rules may have a pre-printing requirement, as Mr. DIAZ-BALART mentioned, the gentleman from Florida. In fact, though, requiring a pre-printing requirement allows every Member who desires to put forward an idea to come and have their ideas presented to the House. That is much more than what happened in the prior Congress, when they were in charge. We are keeping our commitment to running an open process.

As I mentioned, this legislation is very worthy of this rule and of passage. As I mentioned, small businesses have not received their fair share of Federal Government contracts, despite their importance to our economy. The bill before us today, H.R. 1873, addresses some of the key causes.

By making a few targeted reforms to the procurement process, we can help thousands of small businesses and give a much-needed jolt to our national economy. We must continue to shepherd our small businesses to give them every opportunity to succeed for today and for tomorrows yet to come. This bill will move us in that direction, and a small business will be that much closer to making their dreams of prosperity a reality.

I urge a ''yes'' vote on the rule and on the previous question.

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. LINCOLN DIAZ-BALART 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.

PROVIDING FOR CONSIDERATION OF H.R. 1684, DEPARTMENT OF HOMELAND SECURITY AUTHORIZATION ACT FOR FISCAL YEAR 2008

Ms. MATSUI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 382 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 382

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for

consideration of the bill (H.R. 1684) to authorize appropriations for the Department of Homeland Security for fiscal year 2008, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Homeland Security. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Homeland Security now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 9 or 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 1684 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentlewoman from California (Ms. MATSUI) is recognized for 1 hour.

Ms. MATSUI. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. MATSUI. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

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

There was no objection.

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

Mr. Speaker, House Resolution 382 provides for consideration of H.R. 1684, the Department of Homeland Security Authorization Act for Fiscal Year 2008, under a structured rule.

The rule provides 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Homeland Security.

The rule waives all points of order against the bill's consideration, except those arising under clauses 9 or 10 of rule XXI. The rule makes in order and provides appropriate waivers for 21 amendments.

I am pleased to stand before you today with a rule to permit the Homeland Security authorization bill to come to the House floor.

First and foremost, I want to thank Chairman THOMPSON for his continued leadership on an issue of utmost importance for the safety and prosperity of this country and for working so closely with Ranking Member KING on this bill.

This bipartisan bill authorizes $39.8 billion to the Homeland Security to carry out its many functions, from securing our borders to providing our local law enforcement with resources to prepare for and prevent terrorist attacks.

The Department of Homeland Security has a wide range of responsibilities. In recognition of this critical mission, I am pleased that the Homeland Security Committee has authorized $2.1 billion more than the President requested in his budget. This authorization bill does far more than simply authorize appropriations for the Department of Homeland Security.

□ 1145

This bill gets at the heart of the management problems within the Department. As we all know, the Department was created by combining the work of 22 separate agencies. This process of integration has had many, many challenges, poor communication between agencies, a lack of qualified management, unusually high turnover of senior personnel.

Congress has not made these challenges any easier, however. We could have addressed some of these problems through the legislative process by passing an authorization bill last year, but the prior majority failed to do so, and so the Department's management problems went uncorrected.

Without addressing the underlying management and operational issues, the Department cannot perform its important functions. In such an environment, how can the American people feel safe?

Thankfully, H.R. 1684 addresses these challenges. It mandates a comprehensive review of the Department at the beginning of each new administration in order to ensure that DHS is structured to meet the security needs of the American people. It sets qualifications for senior managers, increases coordination between agencies, and boosts funds for the Inspector General. And, agency by agency, it puts in place thoughtful personnel policies to attract, train and keep only the most qualified personnel.

These reforms are important, and I'm glad that the committee and the Democratic leadership have moved forward with a well-focused bill to improve the Department's management.

This bill continues the majority's strong record on homeland security. In a few short months, this Congress has passed bills to implement the 9/11 recommendations and to strengthen rail and public transportation security, each with strong bipartisan majorities. Each is a component of a comprehensive approach to protecting our constituents from potential threats.

I applaud the committee and the leadership for their consistent focus on homeland security. I understand that some Members have concerns that this bill does not address every issue, but part of the legislative process is working through these issues through the committees of jurisdiction.

It is important to keep in mind that Chairman THOMPSON and Ranking Member KING put forth a bipartisan bill during markup, and Chairman THOMPSON continues to work with other committees of jurisdiction in order to make sure that every aspect of our Nation's security is supported by Congress.

In particular, I applaud the chairman's record of shepherding 2 major homeland security bills through the House already. I think we should all agree that today's effort, the third homeland security bill in 4 months, makes substantial improvements to long-standing management issues within DHS. The rule and underlying bill shows a commitment of this Congress to working for a safe and secure America.

So I urge all Members to support both the rule and the underlying bill.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I'd like to thank my good friend, the gentlewoman from California (Ms. MATSUI), for the time; and I yield myself such time as I may consume.

The security of the American people, Mr. Speaker, is the primary function of the government of the United States. Since September 11, 2001, we have been working to rebuild our Nation, not only our buildings but also our sense of security. The creation of the Department of Homeland Security to coordinate all domestic security activities on behalf of the American people was an important first step and has served as the foundation of our continuing efforts to protect our citizens.

Today, we consider the third authorization for the Department of Homeland Security. During consideration of this underlying legislation, Members from both sides of the aisle worked together to craft a bipartisan bill. The

bill sought to build a core capacity at the Department and bring about targeted personnel, contracting and policy changes. That bill passed the Homeland Security Committee unanimously.

But even though the bill passed out of the committee with unanimous support, the majority party is attempting to undo the bipartisan bill by coming forth with a manager's amendment that significantly alters the makeup of that bill. The manager's amendment strikes key provisions which address high-priority homeland security issues. Out of a total of 86 substantive bill provisions, 26, or almost a third, are amended by the manager's amendment and 16, 20 percent almost, are entirely struck.

Most of the provisions stricken by the manager's amendment had become part of the bill through Republican amendments in the committee process. For example, the manager's amendment strikes provisions on the Student and Exchange Visitor Program and eligible uses of interoperability grants, among others.

There are two provisions that the manager's amendment deletes that I think should be highlighted, Mr. Speaker. The first would strike post-employment lobbying restrictions. This provision being eliminated from the bill by the manager's amendment would codify the existing ban on senior Department of Homeland Security employees from one part of the Department lobbying other parts of the Department within 1 year of leaving the Department. That reform is stricken from the bill by the manager's amendment.

The second part of the bill being stricken is a sense of the Congress calling for implementation of the 9/11 Commission recommendation to establish a single point of oversight of homeland security in the House of Representatives and in the Senate.

Now, that is one of the key recommendations of the 9/11 Commission, and precisely it is one that our colleagues on the other side of the aisle ran on in the elections, the promise to enact the 9/11 Commission recommendations.

Yet here they have an opportunity to follow through on their campaign promise, but, instead, they strike the provision from the bill through the manager's amendment. And they don't even allow for the provision to be debated in the form of an amendment on the floor.

Mr. Speaker, I was pleased that the Castor amendment, which helps address concerns with the dual implementation of the Florida Uniform Port Access Credential and the Transportation Workers Identification Card, was made in order. But there was another glaring missed opportunity here by the majority on the Rules Committee.

The Rules Committee had the opportunity to allow an open rule on this bill, but the suggestion that we do so, that we come forth with an open rule, was voted down by the majority on the Rules Committee. Instead, they decided to report out a restrictive rule, thereby shutting out Members who had worked diligently to prepare their amendments. They also blocked out any Member who may be watching the debate now or in the process of the developing, unfolding debate and has an idea to improve the bill. No, no, they're blocked out as well. They're shut out.

It's unfortunate that the Rules Committee missed another opportunity to open the debate on this important legislation, as they promised during the campaign that they would; and because of that and the reasons that I have brought out, Mr. Speaker, this rule should be defeated.

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

Ms. MATSUI. Mr. Speaker, it is my pleasure to yield 5 minutes to the gentleman from Mississippi, chairman of the Committee on Homeland Security, Mr. THOMPSON.

Mr. THOMPSON of Mississippi. Mr. Speaker, I thank the gentlelady for her gracious 5 minutes to talk on this rule.

Mr. Speaker, I rise in support of this rule. The Committee on Homeland Security is the only committee explicitly charged with overseeing the Department's organization and administration.

We don't take this responsibility lightly. This Congress, we have held dozens of oversight hearings. The topics of each hearing may have been different, but the basic message from the Department was pretty much the same:

Don't blame us for not having our House in order. We have high turnover. We don't have a headquarters. We don't have the authorities we need to be a leader on issues such as bio-preparedness and cybersecurity. We don't have the authorities we need to integrate 22 agencies into one competent unit.

H.R. 1684 takes away all the excuses. Under this bill, the Department is provided the resources, accountability and authority needed to finally become the Federal agency that Congress envisioned and the American people deserve.

Every day, we get another reminder of the urgent nature of the homeland security mission. Just yesterday, we learned that six individuals are in custody on charges of plotting to attack the U.S. Army base at Fort Dix. We don't need to have the luxury of giving DHS time to step up to the challenges of becoming a functional organization.

I introduced, Mr. Speaker, this bipartisan bill with Ranking Member KING. The full committee, by recorded vote of 26–0, voted to order it favorably to the House.

I am pleased that the Rules Committee is allowing so many amendments to be considered today. I look forward to an active debate and the opportunity to present my manager's amendment. The manager's amendment is a product of discussion with other Members of the House and other House committees who have jurisdictional interest in aspects of this legislation.

I'm very pleased to bring this bill to the floor for consideration by the full House. Today, Members of the House of Representatives will have an opportunity to do something they have not been able to do in 2 years. They will get to cast a vote in favor of authorizing the Department of Homeland Security.

What's more, Mr. Speaker, they will get to vote to restore funding to critical first-responder programs that the President's budget would eliminate or severely cut.

Mr. Speaker, I urge a ''yes'' vote on the rule and on the underlying bill.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, at this time, I yield 4 minutes to the distinguished ranking member of the Committee on Homeland Security, Mr. KING.

Mr. KING of New York. Mr. Speaker, I thank the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) for yielding. I thank the gentlelady from California (Ms. MATSUI) for her kind remarks. And particularly I want to thank Ranking Member THOMPSON, excuse me, former Ranking Member, current Chairman THOMPSON for the outstanding job I believe he is doing as chairman of the Homeland Security Committee and certainly for the level of bipartisanship which he has demonstrated.

Having said that, I have to reluctantly but strongly urge defeat of the rule today. The reason I say that, Mr. Speaker, is that the bill which did pass through the Homeland Security Committee under Chairman THOMPSON's leadership, passed by a vote of 26–0, was a truly bipartisan effort. There was cooperation from all sides, and we came together to fashion what I believe was a very constructive and significant piece of legislation in an area which obviously is of vital importance to our Nation.

The Department of Homeland Security has been in existence now only several years. It is in its fourth year. We are talking about 22 different Departments and agencies, 180,000 employees. And it is making progress, but much more has to be done. And to address it, we have to do it in a bipartisan way.

Unfortunately, the bill that comes to the floor today has been either stripped or dramatically modified up to 50 percent of the original provisions. And some of these are very significant provisions, probably none more significant than just the sense of Congress, which was so strongly recommended by the 9/11 Commission, saying that the Committee on Homeland Security should be the focal point of legislative activity regarding the Department of Homeland Security, rather than having offices and officials of the Department having to testify before 84 or 86 or 88 various committees and subcommittees of the House.

Also, a number of significant provisions in addition to that that were taken out, for instance, an increase in funding for the Secret Service; prohibiting grants to universities that bar Coast Guard recruiters; and, as Mr. DIAZ-BALART pointed out, a very significant legislation which, by the way, came from Congressman DEFAZIO, which would codify the existing lobbying ban on Department of Homeland Security officials to ensure accountability. And we can go down the list of so many, I believe, significant provisions that were taken out.

Now, the reason for this, I understand where Chairman THOMPSON is coming from. There was resistance from other committees. But I believe we should have withstood that resistance.

For instance, in the prior Congress when we did pass port security legislation, when we did pass legislation restructuring FEMA, when we did pass legislation involving chemical plant security, we met that same resistance from other committees.

□ 1200

But we stood up to it, and we were largely successful. And we did it by working through the leadership to not just back away from these confrontations, but I believe that when we do it so quickly and we do back away, we really weaken the status of the committee. Not that we are looking to build turf, not that it is a power grab, but, again, following the recommendations of the 9/11 Commission, if there is one committee which should have primary jurisdiction on homeland security matters, it is the Committee on Homeland Security.

Also, there were amendments proposed that were rejected by the Rules Committee: Congressman DENT's amendment on the Automated Targeting System, which was strongly supported by the 9/11 Commission; Congressman SHAYS' proposed amendment involving cooperation with Interpol, very important, that was also disallowed; Congressman DAVE DAVIS, his amendment to expand the 287(g) program, which would provide funding for local law enforcement in enforcing immigration laws; and Congressman POE's amendment regarding appropriate procedures for Customs and Border Protection agents.

So these are a number of very solid amendments that were disallowed. We come here today with a bill which is really barely half of what it was when it left the committee. So I am strongly urging a ''no'' vote on the rule.

In no way is this a reflection on my good friend Chairman THOMPSON. And after we go through today and maybe even tomorrow, I pledge to him we will continue to work in a bipartisan way. But I really hope that the leadership of the other side would realize the significance of the Committee on Homeland Security and not just give in to various barons throughout the House who are trying to just hold on to their own turf and their own power.

Ms. MATSUI. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I commend the committee. I commend this committee for the hard work in crafting bipartisan legislation because as we continue to face the challenge of identifying new threats and providing new strategies for securing our Nation, it is absolutely essential that the Homeland Security Department operate to its full potential.

The Homeland Security authorization will ensure that taxpayers' dollars are not wasted by mismanagement and will encourage the best and the brightest minds of our time to contribute to our national homeland security strategy.

Harnessing these resources is absolutely key to protecting our Nation's vital infrastructure, infrastructure like the Golden Gate Bridge in my district. And it is vital to quickly respond in providing aid and support in the event of a disaster, unlike the way in which the Department responded to Hurricane Katrina. These new authorizations will make a huge difference. These reforms must be made to keep the people safe. So by restoring accountability to the Department and strengthening the protections for its employees, we can and we will improve our ability to effectively safeguard our Nation.

I encourage all Members to vote for the Homeland Security authorization.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, at this time, it is my privilege to yield 2 minutes to the distinguished gentleman from Oklahoma (Mr. SULLIVAN).

Mr. SULLIVAN. Mr. Speaker, I rise today in strong opposition to the rule for H.R. 1684. This bill in its current form would eliminate the critical Federal 287(g) program, which serves as a force multiplier for immigration enforcement across our Nation.

The 287(g) program is a highly effective, voluntary partnership that provides the legal authority and training for States and local enforcement to investigate, detain and arrest illegal aliens on civil and criminal charges and grounds in the course of their regular duties.

Unfortunately, an amendment offered in the Rules Committee to reauthorize this important program was not made in order, jeopardizing the future of this popular program with local and State law enforcement agencies across our Nation and in my district.

Illegal immigration is a serious problem in eastern Oklahoma, and securing a 287(g) designation is a top priority of mine. I am working diligently to see that the Immigration and Customs Enforcement Officials and the Tulsa County Sheriff's Office partner in this program; 287(g) would provide them with the resources they need to deal with the ever-growing criminal alien population in Tulsa. I am pleased with the progress we have made and recently learned from ICE officials that we are in the final stages of making 287(g) a reality in northeastern Oklahoma.

The 287(g) program is working to stop the catch-and-release practice that allows dangerous criminal illegal aliens to remain free in communities across our Nation. It would be foolish for the House not to reauthorize this critical program.

I urge my colleagues to reject this ill-considered rule.

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

Let me emphasize to all Members that this bill is working its way through the legislative process. It is true that as a fair and responsible chairman, Mr. THOMPSON worked with several other committees of jurisdiction on this measure. As the manager's amendment clarifies, in some cases, the Homeland Security Committee proceeded with its language, and in others, it permitted other committees to lend their expertise to the issue in the coming months. This is the process of governing.

It is also true that the prior majority chose not to engage in this most basic of functions last year. They didn't bring an authorization bill to the floor, and by not engaging in this hard work, the prior majority let known problems go unresolved.

This bill brings overdue reform and accountability to the Department in its earliest Homeland Security authorization bill ever. That is responsible. That is governing.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to the distinguished leader from Virginia (Mr. TOM DAVIS).

Mr. TOM DAVIS of Virginia. Mr. Speaker, I oppose the rule.

In the manager's amendment adopted by the rule, the majority stripped out a number of commonsense amendments, mostly offered by Republicans, which would enhance homeland security. I think it is a regrettable turn of events which could cost the majority the support of many minority Members.

I guess the good news here is that we know this bill may pass the House, but it is not going anywhere in the Senate, and in this form, it is unsignable by the President.

But the rule also disallowed a critical amendment to help ensure that the Washington area would receive the necessary senior-level attention from the Department of Homeland Security so that Federal, State, and local governments are properly coordinating their homeland security activities.

In 2002, when we established the Department of Homeland Security in a bipartisan manner, it created an Office of National Capital Region Coordination. To demonstrate the importance of this, we put it in the Office of the Secretary.

Unfortunately, the administration decided in their reorganization to put this deep inside of FEMA. My amendment, which was not allowed, was pretty straightforward. It was to restore the office to its original and rightful place in the Office of the Secretary. This amendment would have passed with a large bipartisan majority, but it was not allowed by the other side.

Now, why is this important? The events of 9/11 made it all too important that better coordination of first responders is needed in the D.C. region, with two States and the District of Columbia, 12 local jurisdictions, three branches of the Federal Government, 2,100 nonprofit organizations, thousands of businesses and nonprofit organizations, 4 million Americans. They want to put that responsibility into FEMA. It belongs in the Office of the Secretary. We have been through ''tractor man.'' We have been through disruptions at the Woodrow Wilson Bridge. We have been through the snipers. This needs the highest Federal attention for coordination among all these different organizations in the region. And they wouldn't allow this amendment.

We are going to introduce this as a commonsense stand-alone bill. I hope it will receive the attention of this House. But in disallowing this amendment, now the other side takes ownership of this provision by putting their confidence in FEMA instead of the Office of the Secretary.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, at this time I yield 3 minutes to the distinguished gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I come to this floor reluctantly to oppose this rule. Why? Because it does everything that we ought not to do with respect to the committee process here.

Now, if some people outside this Chamber wonder why the committee process is important or if it is important at all, well, if you look at the 9/11 Commission recommendations, one of the important recommendations they made was to have a single point of responsibility, a single point of oversight in this House for the Homeland Security Department. The very reason we created the Homeland Security Department from about 22 other agencies and Departments was for the purpose of consolidating and giving direction to our response to a new threat to this country. In like manner, here in the House of Representatives, the recommendation by the 9/11 Commission was that we have a primary committee to do that. And that is the Committee on Homeland Security.

We have endeavored to work on a bipartisan basis. When we were in control 2 years ago, we did that. And now when the Democrats are in control, they are doing that. We had vigorous and open debate. We had a number of amendments adopted on the Republican side so that we pass this bill out of committee unanimously, not a dissenting vote. And we recognized that we were putting aside partisan differences to work for the best interest of this country.

So now we come to the floor, and 50 percent of that bill has been ripped out by the manager's amendment. It just happens to be that 50 percent is virtually all the product of Republican amendments that were adopted in committee on a bipartisan basis. And then they make in order about 22 amendments but not amendments that go to putting back into the bill what we put in there on a bipartisan basis. And virtually, not all, but most of the amendments in order are from Members who are not members of this committee.

So you say, why is this being done? And we understand we are genuflecting to the jurisdictional disputes argued by already existing committees. So what we have done is, rather than following what the 9/11 Commission has said, we have made a worse situation. We not only have the already existing committees that the Homeland Security Department has to report to. They now report to us as well.

Now, is this the efficient way? Is this the way you act when you are dealing with a serious problem? This ought to rise above all partisanship and all kinds of nonsense about jurisdiction of committees. I don't know how we can go home to our constituents and say, oh, yes, we got rid of that stuff that was really good that gave us an advantage in this war on terror because we were concerned about another committee that used to have jurisdiction.

Last year one of the things we heard was just do the right thing and adopt all the 9/11 Commission recommendations. Adopting this rule flies in the face of that. We ought to understand that.

We ought to vote down this rule, bring back the bill as it came out of the committee on a bipartisan basis, and then go forward on a bipartisan basis for the best for the American people.

Ms. MATSUI. Mr. Speaker, I yield myself such time as I that consume.

Let me emphasize to Members the history on this issue. Unlike the prior majority, this majority is committed to passing a Homeland Security authorization into law.

In 2005, 2 years ago, the House passed an authorization after the appropriations bill passed. Last year, 2006, the House did not bother to bring a bill to the floor. That is irresponsible in light of the Department's many problems.

Democrats are committed to governing responsibly, and this is one step along that path.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Washington (Mr. REICHERT).

Mr. REICHERT. Mr. Speaker, I rise today in strong opposition to the rule and the manager's amendment that was made in order under this rule. This manager's amendment will significantly weaken legislation that gained bipartisan support in Committee on Homeland Security and passed 26–0.

As the chairman of the Emergency Preparedness Subcommittee last Congress, we were able to pass into law comprehensive interoperability legislation. This legislation, titled the 21st Century Communications Act, created the Office of Cybersecurity and Communications and elevated the importance of emergency communications within the Department of Homeland Security. In addition, this legislation accelerated the development of national standards for emergency communication equipment.

Unfortunately, the Rules Committee has approved an amendment that would remove many key provisions and severely weaken this legislation. This amendment removes language that allows interoperability funds to be used by State and local agencies to develop standard operating procedures, training, and exercises.

□ 1215

It is important for our first responders to have this equipment, but it is also equally important that they have the training to know how to use the equipment. Allowing this amendment on the floor that removes this provision will reduce the first responders' effectiveness due to a lack of training and planning.

We saw what happened during Hurricane Katrina when there was a lack of training, a lack of planning and a lack of communication. It was disastrous. It cost lives.

Next week is National Police Week. At a time when we are supposed to be honoring and supporting our first responders, and especially our law enforcement officers, across this Nation, we are limiting their abilities to protect themselves and to protect this Nation. I know this from firsthand experience. This is a problem that has been in existence for over 35 years, the lack of first responders to communicate. I responded to a call in 1974, not able to get on my radio, having to run across a yard and tackle a kid that had a rifle aimed at three other police officers, because I couldn't get through and talk to the communications center.

Today, eliminating this provision will create that same situation across this Nation. It's unthinkable. It's unconscionable. It should not be happening. This should be a bipartisan bill. I urge my colleagues to vote ''no.''

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

Mr. Speaker, I just want to clarify, this bill eliminates the cuts in vital first responders programs, like the 55 percent cuts that the administration asked for in firefighter assistance grants. It preserves the Local Law Enforcement Terrorism Prevention Program that the administration wanted

to close. And on contracting oversight management and personnel policies, it brings overdue reform to a Department in need. This is a good bill, and all Members should support it.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. I thank the gentleman for yielding.

I am proud to be part of the Homeland Security Committee. It has been a committee that under Chairman KING has functioned in a nonpartisan way and I think under Chairman THOMPSON as well. And so I have deep regret that so many parts of this bill were taken out that were parts that were put in by Republicans. I understand jurisdictional issues, but it seems to me some of these could have been left in.

I am particularly amazed to think that an amendment that I was offering, supported by Interpol, and I would like to submit this letter from Ron Noble, the Secretary General, addressed to me from Interpol. It is one page.

In this letter, he says, ''Your initiative would allow DHS and Interpol to work together to identify and apprehend terrorists that use lost, stolen or fraudulent passports to travel internationally in all of Interpol's 186 countries.

''In addition, by facilitating the secondment of DHS officers to Interpol, you are enabling the United States to play a leadership role in shaping Interpol's current and future efforts to enhance travel document security and to deploy its connection technology that allows border officers to make instant passport searches against Interpol's Stolen and Lost Travel Documents database.''

There was no reason not to allow this amendment to be offered except for partisan purposes. I happen to be a Republican, and I happen to be targeted by the Democrats, but, other than that, there was no reason not to allow this amendment.

I am strongly against this rule. Unlike my colleagues, I didn't think long about it. I couldn't wait to get here to oppose what is now becoming a very partisan bill. I just can't express strongly enough we are going to endanger Americans by not allowing this debate. There are 14 million documents Interpol has. The United States doesn't have access to hardly any of them because we are not participating. We need to participate.

I would end by just pointing out that Ramzi Yousef had used a stolen passport to enter the U.S. He is a terrorist.

INTERPOL,
Lyon, France, May 7, 2007.

Congressman CHRISTOPHER SHAYS,
Longworth Building,
Washington, DC.

DEAR CONGRESSMAN SHAYS: I would like to take this opportunity to thank you for your strong support to Interpol and our missions and goals. Your amendment to H.R. 1684, the Department of Homeland Security Authorization Act for Fiscal Year 2008, shows both your commitment and profound understanding of the international dimension of modern-day policing.

It is my sincere belief that this amendment, aimed at fostering closer cooperation between Interpol and the Department of Homeland Security (DHS), will significantly contribute to international border security. The cooperative agreement the amendment calls for clearly puts both the Department of Homeland Security and Interpol in the best possible position to further enhance their joint efforts against global terrorism.

Your initiative will allow DHS and Interpol to work together to identify and apprehend terrorists that use lost, stolen or fraudulent passports to travel internationally in all of Interpol's 186 member countries.

In addition, by facilitating the secondment of DHS officers to Interpol, you are enabling the United States to play a leadership role in shaping Interpol's current and future efforts to enhance travel document security and to deploy its connection technology that allows border officers to make instant passport searches against Interpol's Stolen and Lost Travel Documents database. Interpol is currently establishing a new office of Border, Port and Maritime Security and, from Interpol's point of view, benefiting from DHS' significant border control and investigative expertise will be a critical factor for its success. Rest assured that I will keep you abreast of our work in this area.

It would be a pleasure for me to receive you at Interpol's General Secretariat in Lyon, France to provide you with an opportunity to receive briefings from our experts and see our operational police tools first hand.

Yours sincerely,

RONALD K. NOBLE,
Secretary General.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, at this time, it is my pleasure to yield 4½ minutes to a distinguished colleague from North Carolina (Mr. HAYES).

Mr. HAYES. I thank my friend, Congressman DIAZ-BALART, for yielding the time.

Mr. Speaker, I rise in strong opposition to this rule.

We've all heard the saying that actions speak louder than words; and, once again, the rhetoric from the other side has turned out to be just that, rhetoric. You've heard all the talk about wanting to do everything we can to protect American jobs and keeping our manufacturing base. The majority actually had a chance to put their money where their mouth is by strengthening our national security and our domestic textile manufacturing base.

My amendment was not allowed to come to the floor for debate today. Yes, actions speak louder than words, and the actions from yesterday prove that their talk is cheap because it's not backed up by meaningful action.

Current language in the Department of Homeland Security authorization bill regarding domestic production would require a new domestic requirement for uniforms, protective gear, badges and identification cards. While this provision is a good first step, this approach does not reflect a stronger proposal contained in the bill that I put together with the textile industry which is called the Berry Amendment Extension Act.

The legislation we put together and the amendment I offered yesterday would ensure that the sensitive uniforms worn by our agents are made in America with American-made components rather than outsourcing to China or Mexico. The problem with the bill in front of us today: The vast majority of the content of these uniforms can be imported from any country in the world, China, Pakistan, Mexico, you name it.

Mr. Speaker, that's not what the Members of this House want. On December 15, 2005, we overwhelmingly supported a measure stating that Border Patrol uniforms should be made in the United States. Has anyone changed their mind? I sure haven't.

These provisions are an extension of the Berry Amendment, which is a well-established domestic Department of Defense purchasing requirement that has been in practice for 70 years. And the amendment would ensure that we are complying with WTO. Make no mistake about it, I don't put legislation together trying to appease the WTO, but if your legislation is blatantly not compliant, which the existing DH bill appears to be, the end result will be lawsuits and countervailing duties. Put that all together, nothing gets done; and American jobs are lost.

You all know I've been a strong advocate for strengthening the Berry Amendment. The Berry Amendment seeks to guarantee the United States has a ready mobilization base of U.S. manufacturers, a critical national security requirement. While the Berry Amendment is 70 years old, Department of Homeland Security is only 5, and this new Department is now home to many functions that are critical to our national security.

I am extremely disappointed that my Democrat counterparts failed and missed a great opportunity to expand the successful requirement to include the Department of Homeland Security. It not only protects American jobs but provides the assurance that Department of Homeland Security officials who work on the front lines of national security are the only people wearing these sensitive uniforms. It is outrageous to think that our Border Patrol or airport security uniforms can be made in factories in China or Mexico where any worker could use these uniforms to impersonate U.S. agents.

Mr. Speaker, my amendment has strong support from the National Council of Textile Organizations, American Manufacturing Trade Action Coalition and the American Apparel and Footwear Association. Again, while the base bill has taken a step to add a new requirement for domestic production, I think we could have done and should have done much better.

Let me briefly quote the American Apparel and Footwear Association: The

Hayes amendment ''would provide more complete coverage for domestic sources than what is currently intended by H.R. 1684. By requiring that both inputs and manufacture of uniforms originate in the U.S., the Berry Amendment works to support the U.S. supply chain that provides materials for the production of clothing and individual equipment to the military.''

There are many Members, both Democrats and Republicans, who have been very supportive of the Berry Amendment in the past. In fact, I was particularly surprised when a member of the Rules Committee, who has been a co-sponsor of the bill, voted against allowing the amendment to come to the floor today.

Folks, the U.S. textile and apparel industry is vital to the economic security and national security of our Nation. If the majority truly cared about preserving this crucial manufacturing sector, an industry that provides good-paying jobs to American citizens, then they would have supported this amendment in the Rules Committee and allowed it to come to the floor for a vote.

Mr. Speaker, I ask Members to vote ''no'' on the previous question so we can allow this amendment to come to the floor for a vote. In my opinion, a vote for this rule as it stands is a vote against the U.S. textile industry, its workforce, and a vote against making our country more secure.

Mr. Speaker, I urge my colleagues to reject this rule.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Georgia (Mr. PRICE).

(Mr. PRICE of Georgia asked and was given permission to revise and extend his remarks.)

Mr. PRICE of Georgia. I thank the gentleman for yielding.

This new majority has once again promised us an open and fair process, but again they have failed to live up to the promises now that they're out from under the spotlight of their election year. This is extremely disappointing considering the remarkable importance of the legislation before us today, the Homeland Security Authorization Act.

Among some of the provisions that were stripped out of the bill completely, a pilot program for mobile biometric identification of illegal aliens apprehended at sea, denying alien smugglers use of maritime routes and enhanced penalties for alien smuggling, and requiring immigration checks for employees at high-risk critical infrastructures.

What's so scary about those being in the bill, I would ask? What idea or what one amendment was so scary that inspired this restrictive rule? I urge my colleagues not to be scared, not to hide behind this rule. Vote ''no'' on this rule so that we can have a complete and fair debate. The American people deserve no less, and they're watching.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I will be asking for a ''no'' vote on the previous question so that I can amend this restrictive rule to make in order the amendment offered by Representative HAYES of North Carolina which would strike section 407 of the bill, the section requiring DHS to buy American textiles and apparel, protective gear, badges and ID cards. The amendment would instead require that DHS buy items specified in the amendment only when those items are connected to national security functions within the Department. This amendment also includes language to ensure that these provisions comply with the World Trade Organization rules.

Mr. Speaker, this thoughtful amendment submitted by Mr. HAYES was unfortunately denied yesterday at the Rules Committee. If the previous question is defeated, the Hayes amendment would be made in order and the House would be able to have a full discussion on its merits.

I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

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

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. At this time, Mr. Speaker, I yield back the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I want to once again thank Chairman THOMPSON for his leadership in drafting a well-focused Homeland Security authorization and for working so closely with Ranking Member KING on this bill.

I would note for all Members that Chairman THOMPSON worked with other chairmen and ranking members. The jurisdiction issues were raised by both sides, Republican and Democrat. I would also note that the manager's amendment which deals with these changes will receive separate debate and a vote. This is an open process.

Unlike the prior majority, we work through these issues. Again, last year when these problems were raised, the prior majority chose not to act. In contrast, we are acting despite these difficulties. We are being responsible.

H.R. 1684 will help improve the policy-making at the Department of Homeland Security, will promote long-term planning and will strengthen management. In particular, it sets qualifications for senior managers, increases coordination between agencies, and boosts funds for the Inspector General. These changes will ensure that the Department of Homeland Security can perform its important function of protecting the American people.

I am pleased that the Democratic leadership has moved swiftly and brought a Homeland Security authorization bill to the floor. This is the first time in 2 years such a bill has come to the floor.

It is also the earliest that a Department of Homeland Security authorization bill has come to the floor and the first time it has occurred before appropriators have marked up the Homeland Security appropriations bill. This is truly significant, and I thank the leadership for their commitment to protecting America.

I urge a ''yes'' vote on the previous question and on the rule.

Mr. GARRETT of New Jersey. Mr. Speaker, I am deeply disappointed in today's rule that barred the House from considering a commonsense amendment that I brought to the committee.

The text of my amendment was substantially from H.R. 1544, the Faster and Smarter Funding for First Responders Act of 2005, which passed the House by an overwhelming, bipartisan majority in the 109th Congress.

One of the 9/11 Commission's primary recommendations was to ensure that all federal government grants for homeland security be allotted by risk and need. To this day, however, nearly 40 percent of all grants are handed out merely by virtue of their location. The House has time and time again passed legislation to streamline the grant process and reduce the mandatory minimum percentage given to each state.

While the House did pass such language in H.R. 1, the Senate had yet to take up this legislation. Until the President signs into law legislation correcting this oversight, we should not pass up an opportunity to make our nation more secure. But that is what the Democrats are doing today. We must reiterate this critical policy change at each and every opportunity.

The constituents of the fifth district of New Jersey know too well the repercussions of failing to provide for strong homeland security. Many of them lost loved ones on 9/11 and they expect our country to prepare for any such future disaster. As long as grants continue to go to low-priority wasteful projects, our most at-risk citizens will be vulnerable.

Mr. SULLIVAN. Mr. Speaker, I rise today in strong opposition to the rule for H.R. 1684. This bill, in its current form would prohibit state and local governments from receiving reimbursement for training expenses associated with participating in the 287(g) program. 287(g) serves as a force multiplier for immigration enforcement across our Nation.

The 287(g) program is a highly effective, voluntary partnership that provides the legal authority and training for state and local law enforcement officers to investigate, detain, and arrest illegal aliens on civil and criminal grounds in the course of their regular duties.

Unfortunately, an amendment offered in the Rules Committee to enhance this important program was not made in order, jeopardizing the ability of state and local law enforcement agencies to join the program.

Illegal immigration is a serious problem in Eastern Oklahoma and securing a 287(g) designation is a top priority of mine. I am working diligently to see ICE officials and the Tulsa County Sherriff's office partnered in this program. 287(g) would provide them with the resources they need to deal with the ever growing criminal alien population in Tulsa. I am pleased with the progress we have made, and recently learned from ICE officials that we are in the final stages of making 287(g) a reality for Eastern Oklahoma.

The 287(g) program is working to stop the catch and release practice that allows dangerous criminal illegal aliens to remain free in

communities across our Nation. It would be foolish for the House not to allow for reimbursement of 287(g) training related expenses.

I urge my colleagues to reject this ill-considered rule.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

At the end of the resolution, add the following:

SEC. 3. Notwithstanding any other provision of this resolution, the amendment printed in section 4 shall be in order as though printed as the last amendment in the report of the Committee on Rules if offered by Representative Hayes of North Carolina or a designee. That amendment shall be debatable for 30 minutes equally divided and controlled by the proponent and an opponent.

SEC. 4. The amendment referred to in section 3 is as follows:

Strike section 407 and insert the following:

SEC. 407. BUY-AMERICAN REQUIREMENT IMPOSED ON DEPARTMENT OF HOMELAND SECURITY; EXCEPTIONS.

(a) IN GENERAL.—Subtitle D of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 391 et seq.) is amended by adding at the end the following new section:

"SEC. 839. REQUIREMENT THAT CERTAIN ARTICLES PROCURED BY THE DEPARTMENT BE GROWN, REPROCESSED, REUSED OR PRODUCED IN THE UNITED STATES.

''(a) REQUIREMENT.—Except as provided in subsections (c) and (e), funds appropriated or otherwise available to the Department may not be used for the procurement of an article described in subsection (b) if the item is not grown, reprocessed, reused, produced or manufactured in the United States.

''(b) COVERED ARTICLES.—An article referred to in subsection (a) is any of the following, if the article is directly related to the national security interests of the United States:

''(1)(A) Clothing and the materials and components thereof, other than sensors, electronics, or other items added to, and not normally associated with, clothing (and the materials and components thereof).

''(B) Tents, tarpaulins, or covers.

''(C) Cotton and other natural fiber products, woven silk or woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric (including all textile fibers and yarns that are for use in such fabrics), canvas products, or wool (whether in the form of fiber or yarn or contained in fabrics, materials, or manufactured articles).

''(D) Any item of individual equipment manufactured from or containing such fibers, yarns, fabrics, or materials..

''(2) Protective gear.

''(3) Badges or other insignia indicating the rank, office, or position of personnel.

''(4) Identification cards.

''(c) AVAILABILITY EXCEPTION.—Subsection (a) does not apply to the extent that the Secretary determines that satisfactory quality and sufficient quantity of any such article or item described in subsection (b) grown, reprocessed, reused, produced or manufactured in the United States cannot be procured as and when needed at United States market prices. If such a determination is made with respect to an article, the Secretary shall—

''(1) notify the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate within 7 days after making the determination; and

''(2) include in that notification a certification that procuring and manufacturing the article outside the United States does not pose a risk to the national security of the United States, as well as a detailed explanation of the steps any facility outside the United States that is manufacturing the article will be required to take to ensure that the materials, patterns, logos, designs, or any other element used in or for the article are not misappropriated.

''(d) EXCEPTION FOR CERTAIN PROCUREMENTS OUTSIDE THE UNITED STATES.—Subsection (a) does not apply to the following:

''(1) Procurements by vessels in foreign waters.

''(2) Emergency procurements.

''(e) EXCEPTION FOR SMALL PURCHASES.—Subsection (a) does not apply to purchases for amounts not greater than the simplified acquisition threshold referred to in section 2304(g) of title 10, United States Code.

''(f) APPLICABILITY TO CONTRACTS AND SUBCONTRACTS FOR PROCUREMENT OF COMMERCIAL ITEMS.—This section is applicable to contracts and subcontracts for the procurement of commercial items notwithstanding section 34 of the Office of Federal Procurement Policy Act (41 U.S.C. 430).

''(g) GEOGRAPHIC COVERAGE.—In this section, the term 'United States' includes the possessions of the United States.

''(h) NOTIFICATION REQUIRED WITHIN 7 DAYS AFTER CONTRACT AWARD IF CERTAIN EXCEPTIONS APPLIED.—In the case of any contract for the procurement of an article described in subsection (b), if the Secretary of Homeland Security applies an exception set forth in subsection (c) with respect to that contract, the Secretary shall, not later than 7 days after the award of the contract, post a notification that the exception has been applied on the Internet site maintained by the General Services Administration know as FedBizOps.gov (or any successor site).

''(i) TRAINING DURING FISCAL YEAR 2008.—

''(1) IN GENERAL.—The Secretary shall ensure that each member of the acquisition workforce in the Department who participates personally and substantially in the acquisition of textiles on a regular basis receives training during fiscal year 2008 on the requirements of this section and the regulations implementing this section.

''(2) INCLUSION OF INFORMATION IN NEW TRAINING PROGRAMS.—The Secretary shall ensure that any training program for the acquisition workforce developed or implemented after the date of the enactment of this Act includes comprehensive information on the requirements described in paragraph (1).

''(j) CONSISTENCY WITH INTERNATIONAL AGREEMENTS.—

''(1) IN GENERAL.—No provision of this Act shall apply to the extent the Secretary, in consultation with the United States Trade Representative, determines that it is in inconsistent with United States obligations under an international agreement.

''(2) REPORT.—The Secretary shall submit a report each year to Congress containing, with respect to the year covered by the report—

''(A) a list of each provision of this section that did not apply during that year pursuant to a determination by the Secretary under paragraph (1); and

''(B) a list of each contract awarded by the Department during that year without regard to a provision in this section because that provision was made inapplicable pursuant to such a determination.''.

(b) CONFORMING AMENDMENT.—The table of contents of the Homeland Security Act of 2002 is amended by adding after the item relating to section 838 the following new item:

''Sec. 839. Requirement that certain articles procured by the Department be grown, reprocessed, reused or produced in the United States.''.

(c) APPLICABILITY.—The amendments made by this section take effect 120 days after the date of the enactment of this Act and apply to any contract entered into on or after that date for the procurement of items to which such amendments apply.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Democratic majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution. . . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information form Congressional Quarterly's ''American Congressional Dictionary'': ''If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

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

□ 1230

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Ms. MATSUI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question on House Resolution 382 will be followed by 5-minute votes on adopting House Resolution 382, if ordered; on adopting House Resolution 383; and suspending the rules and passing H.R. 890.

The vote was taken by electronic device, and there were—yeas 217, nays 199, not voting 16, as follows:

[Roll No. 310]

YEAS—217

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyda (KS)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Price (NC)
Rahall
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—199

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Boyd (FL)
Brady (PA)
Brown, Corrine
Engel
Fattah
Johnson, E. B.
Larson (CT)
Lowey
McMorris Rodgers
Melancon
Moran (KS)
Pomeroy
Rangel
Smith (NE)
Souder
Tiahrt

□ 1255

Mr. HALL of Texas and Mr. CRAMER changed their vote from ''yea'' to ''nay.''

Mr. CONYERS changed his vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. SMITH of Nebraska. Mr. Speaker, on rollcall No. 310 I was absent due to a meeting with constituents. Had I been present, I would have voted "nay."

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. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 222, nays 197, not voting 13, as follows:

[Roll No. 311]

YEAS—222

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyda (KS)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney

Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—197

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Boyd (FL)
Brady (PA)
Brown, Corrine
Engel
Fattah
Johnson, E. B.
Larson (CT)
McMorris Rodgers
Moran (KS)
Rangel
Souder
Tiahrt
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1304

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.

PROVIDING FOR CONSIDERATION OF H.R. 1873, SMALL BUSINESS FAIRNESS IN CONTRACTING ACT

The SPEAKER pro tempore. The unfinished business is the question of agreeing to the resolution, House Resolution 383, 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 is a 5-minute vote that will be followed by a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 223, nays 197, not voting 12, as follows:

[Roll No. 312]

YEAS—223

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyda (KS)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—197

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Boyd (FL)
Brady (PA)
Brown, Corrine
Engel
Fattah
Johnson, E. B.
Larson (CT)
McMorris Rodgers
Moran (KS)
Rangel
Souder
Tiahrt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining to vote.

□ 1312

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.

STUDENT LOAN SUNSHINE ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the

bill, H.R. 890, as amended, on which the yeas and nays were ordered.

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. GEORGE MILLER) that the House suspend the rules and pass the bill, H.R. 890, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 414, nays 3, not voting 15, as follows:

[Roll No. 313]

YEAS—414

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—3

Flake
Paul
Westmoreland

NOT VOTING—15

Boyd (FL)
Brady (PA)
Brown, Corrine
Engel
Fattah
Gonzalez
Johnson (GA)
Johnson, E. B.
Larson (CT)
Lewis (GA)
McMorris Rodgers
Moran (KS)
Rangel
Souder
Tiahrt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in which to vote.

□ 1319

So (two-thirds being 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.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following resignation from the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 9, 2007.

Hon. NANCY PELOSI,
Speaker of the U.S. House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: This letter is to inform you that I have sent a letter to Massachusetts Governor Deval Patrick dated today, May 9, 2007, informing him that I am resigning my position as the United States Representative for the 5th Congressional District of Massachusetts, effective at the close of business July 1, 2007.

In March, the Board of Trustees of the University of Massachusetts voted to offer me the opportunity to serve as the next Chancellor of the University of Massachusetts Lowell. After deep personal reflection and lengthy discussions with my family, close friends and colleagues, I have decided to accept the Board's offer.

Serving in Congress for the past fifteen years has been one of the greatest honors of my life. I would like to thank the people of the Fifth District for this wonderful opportunity and for their confidence in me.

Sincerely,

MARTY MEEHAN,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, May 9, 2007.

Hon. DEVAL PATRICK,
Governor, Commonwealth of Massachusetts, Boston, MA.

DEAR GOVERNOR PATRICK: In March, the Board of Trustees of the University of Massachusetts voted to offer me the opportunity to serve as the next Chancellor of the University of Massachusetts Lowell. After deep personal reflection and lengthy discussions with my family, close friends and colleagues, I have decided to accept the Board's offer. Therefore, I am hereby resigning my position as the United States Representative for the 5th Congressional District of Massachusetts, effective July 1, 2007.

Serving in Congress for the past fifteen years has been one of the greatest honors of my life. I would like to thank the people of the Fifth District for this wonderful opportunity and for their confidence in me.

Sincerely,

MARTY MEEHAN,
Member of Congress.

GENERAL LEAVE

Mr. THOMPSON of Mississippi. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1684.

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

There was no objection.

DEPARTMENT OF HOMELAND SECURITY AUTHORIZATION ACT FOR FISCAL YEAR 2008

The SPEAKER pro tempore. Pursuant to House Resolution 382 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 1684.

□ 1322

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1684) to authorize appropriations for the Department of Homeland Security for fiscal year 2008, and for other purposes, with Mr. CARDOZA in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Mississippi (Mr. THOMPSON) and the gentleman from New York (Mr. KING) each will control 30 minutes.

The Chair recognizes the gentleman from Mississippi.

Mr. THOMPSON of Mississippi. Mr. Chairman, I also yield myself such time as I may consume.

Mr. Chairman, today we are considering H.R. 1684. This bill takes important steps to build capacity, provide resources, and ensure accountability at the Department of Homeland Security.

H.R. 1684 authorizes $39.8 billion in appropriations for the Department. This is $2.1 billion more than the President requested in his budget earlier this year. This bill sends a message to the President, America's security cannot be done on the cheap. Congress will not stand by as he cuts programs that help our hometown heroes protect our communities.

In this bill, we reinstate critical funding for first responder programs like the State Homeland Security grant program and FIRE Act grants.

In addition to authorizing funds, H.R. 1684 addresses issues that some of the committee's oversight efforts have exposed. For example, it has become obvious to us that the Department has no long-term vision. We created a Directorate of Policy to do just that. This office will also focus on private-sector partnerships, tribal security, and school security.

As another tool to help the Department get its house in order, we created a Comprehensive Homeland Security Review. This legislation also strengthens interagency coordination and supports integrating DHS at a single headquarters.

The Inspector General, GAO and the committee have all observed that DHS is spending a lot of money with little accountability. In the past few years, we have seen ice trucks take the scenic routes to disasters, trailers rotting in Arkansas, and border cameras packed away in warehouses. All of this waste was on the taxpayers' dime. No more. H.R. 1684 gives the Inspector General sharper teeth to investigate disaster response and border security programs.

The bill strengthens the integrity in the agency's contracting practices and promotes small business opportunities. This bill makes sure our Homeland Security agency is buying its uniforms and equipment here at home from U.S. sources. H.R. 1684 covers numerous other areas, including biosecurity, intelligence and cyber security.

Mr. Chairman, this bill is part of the real deal. It's the sixth Homeland Security bill that Democrats have brought to the floor since January. Only two bills made it to the floor last year in a Republican-led House. This Congress, we passed a 9/11 bill; and staff discussions have begun in preparation for a Member conference. We also passed bills on rail security, Homeland Security technology, international cooperation, and employee morale.

Winston Churchill once said, ''The pessimist sees difficulty in every opportunity. The optimist sees opportunity in every difficulty. ''

In H.R. 1684, we have an opportunity to protect our homeland. We can be naysayers and complain about bureaucratic bungling, or we can tackle head on the difficult issues of Homeland Security.

I urge all of my colleagues to support this bill that puts DHS on the path to becoming the agency that Congress envisioned and the American people deserve.

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

Mr. KING of New York. Mr. Chairman, I recognize myself for as much time as I may consume.

Mr. Chairman, at the outset, let me express my deep admiration for Chairman THOMPSON and for the bipartisan spirit he has shown in his running of the committee, both as chairman and during the previous 2 years as ranking member.

This is one committee of the House which I believe functions very affirmatively in a bipartisan manner because, as Chairman THOMPSON has said, that when the terrorists come, they don't care whether you are Democrat or Republican, they want to kill all of us. That's why I commend him again for the spirit of bipartisanship.

It was that spirit of bipartisanship that resulted in H.R. 1684 being passed out of committee by a unanimous 26–0 vote. It was a bipartisan effort, there was hard work on both sides, there was compromise on both sides, innovations on both sides. We came together, I believe, with a very strong package.

I am, however, very concerned about the manager's amendment, which is going to be coming up for a vote today, because of the 86 provisions in the bill, 42, 49.8 percent, of the provisions of the bill have either been eliminated or changed dramatically.

Some of the key ones on the issue of interoperability, in our legislation, the committee legislation, we provided that $1 billion in grants for interoperability could be used for training exercise, for training as well as for the purchase of hardware. This was demanded, strongly requested by local law enforcement, local law authorities. It is essential to interoperability. Yet that has been stricken from the legislation.

□ 1330

On the ''sense of Congress'' language which has been so strongly recommended by the 9/11 Commission, that the Committee on Homeland Security be the focal point for oversight of the Department of Homeland Security and for being the central committee on the issue of homeland security, just the ''sense of Congress'' language was eliminated from the bill. We go down the list, as far as authorization for Secret Service, especially considering the increased amount which will be necessary in this year to protect Presidential candidates. So many other amendments, so much other language, even, for instance, on the issue of employees who leave the Department, lobbying restrictions, which quite honestly was proposed by a Democratic Congressman, Mr. DEFAZIO, that has been stricken out.

Now, I realize what has happened here; I went through this during the time that I was chairman, but I think we approached it a little differently. There are other committees which are objecting to the jurisdiction of Homeland Security. There are others which are defying the wish of the 9/11 Commission, which is to have power vested in the Committee on Homeland Security. And, unfortunately, it appeased it at every juncture where objection was raised; those provisions were taken out.

Now, in the last Congress, we adopted the Port Security Bill. That was a long, hard fight. We had jurisdictional battles with other committees; but we stayed with it, and the final package tremendously increased the position of the Committee on Homeland Security and resulted in very strong legislation. On the restructuring of FEMA, that also caused severe conflicts with other committees of jurisdiction. We stayed with it, and the final product enhanced the position of the Committee on Homeland Security. On the issue of chemical plants security, similarly, there were severe conflicts with other committees. We worked with the leadership at the time, Speaker HASTERT and Majority Leader BOEHNER, and that resulted also in ultimate legislation which significantly enhanced the jurisdiction of the Committee on Homeland Security.

By acquiescing so quickly to the objections or the positions of other committees, I think we have weakened our committee. And that to me is not a turf battle or not a power struggle; the issue of life and death is too important for that. But the fact is, we did not stand firm in fighting for jurisdiction of the committee.

I know the chairman has mentioned that there was not an authorization bill passed by the House last year. I agree with that. We did pass one out of committee, there was one passed in 2005. The Senate has never passed an authorization bill.

I made the judgment last year that we had an opportunity, a window of opportunity to pass significant legislation which could be brought to the House floor, which could be brought to

the Senate floor, and which could pass, and that was port security, chemical plants and FEMA restructuring, and we did that. As far as this year now, we do have the H.R. 1, which still has not moved; it hasn't even gone to conference yet, and we have this legislation today, which was a fine product of the committee, but unfortunately, it has been dramatically weakened with, I must say, no input at all from the Republican side. And considering the extent to which Chairman THOMPSON does reach out at the committee level and there is such a bipartisan level of cooperation at the committee level, I would have hoped that we would have at least had something to say when it went to the Rules Committee when the manager's amendment was being constructed. Instead, this was done totally behind closed doors, totally to the exclusion of any Republican input. Again, perhaps it would be fine if we were an adversarial type committee, but we are not. This is a collegial committee. It is a bipartisan committee, and everything we do, every word of every provision both during the time when Chairman Cox was chairman, when I was chairman and certainly now under Chairman THOMPSON, it has been bipartisan. I regret that has not been the situation in bringing the legislation before the House today. So I will be later urging a vote against the manager's amendment.

But I again want to express my regard for Chairman THOMPSON, and hope that when this is over, when this is resolved today or tomorrow or whenever the final vote comes, we can go forward from there and work in a bipartisan way at the committee level the way we have done for the last 3½ years.

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

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Maryland, our majority leader, Mr. HOYER.

Mr. HOYER. I thank the distinguished chairman, and I congratulate him for the great work that he is doing. This is a critical bill that we consider today. And, as he has pointed out, we have had a number of bills dealing with homeland security on the floor.

I also want to thank the ranking member for his leadership both in this Congress and in the past Congress on this issue. I think the American people are advantaged by having two people of real substance who care about this issue working together, even though from time to time, as the gentleman has pointed out, there are disagreements. He had the same problems that the chairman is having, and we are trying to work through those problems. And I certainly am going to support the manager's amendment as he tries to work this.

Mr. Speaker, I want to thank the chairman of the Homeland Security Committee, Congressman THOMPSON, for all his hard work on this very, very important authorization bill.

The highest duty of our government is to protect the American people, to secure our homeland and to defend our national security. Unfortunately, since the horrific terrorist attacks on our Nation on September 11 opened our eyes and exposed our vulnerabilities, we have not done enough to protect our homeland. As Tom Kean, the former Republican Governor of New Jersey and cochair of the bipartisan 9/11 Commission stated last August, ''We are not protecting our own people in this country. The government is not doing its job.''

Yesterday's arrest of six men who apparently were plotting to attack and kill soldiers in Fort Dix in New Jersey is a stark reminder that we cannot, we must not let down our guard; that we must remain vigilant.

This legislation, which I believe will receive strong bipartisan support, is a critical step in the right direction. Among other things, this bill authorizes $39.8 billion for the Department of Homeland Security for fiscal year 2008, which is $2.1 billion in addition for our homeland security that was asked for by the President. It restores the President's 52 percent cut to the State Homeland Security Grant Program, which helps first responders to prevent, prepare for and respond to acts of terrorism. It restores the President's 55 percent cut in firefighter assistance grants. It restores the elimination of the local law enforcement terrorism prevention program and restores the elimination of the SAFER, which is the Staffing for Adequate Fire and Emergency Response program. I want to thank the chairman for doing that and congratulate him on his leadership because, as the ranking member pointed out, this bill was reported out unanimously. It was a joint effort and a very important one at that.

Furthermore, Mr. Chairman, this legislation contains strong accountability measures aimed at strengthening and streamlining management of the Department of Homeland Security, which has struggled with its management challenges; and it includes provisions to improve information sharing, to enhance bioterrorism preparedness and to eliminate the Department's authority to establish its own personnel management system.

Mr. Chairman, ever since the Department of Homeland Security was created, an effort which I opposed because I thought that would create a Department too large and too diverse to manage well, frankly, I think my concerns have been evidenced. It is the challenge of this committee, now that we have created the Department, to ensure that in fact it does act in an efficient manner to protect our homeland. But I have been concerned about the efficacy of consolidating 22 agencies and 170,000 people into one Department. However, since the Congress chose to create this new Department, it is our duty, as I said, to ensure that it has the resources it needs to do its job as effectively as possible and to ensure that the Department is well managed.

This legislation, Mr. Chairman, by focusing on oversight and management is a critical response to the issues and problems that have been encountered at the Department since its creation.

I want to again congratulate Mr. THOMPSON, who is doing such an excellent job of leading this committee, and Mr. KING, who brings a focus for the country as opposed to a partisan focus to this work with Mr. THOMPSON. I want to congratulate them both.

Mr. KING of New York. Mr. Chairman, I thank the majority leader for his kind words. And would just add that this was genuinely bipartisan, and it did increase spending by $2.1 billion more than the President of our party was recommending, and yet we as Republicans did that because we wanted to act in a bipartisan way, which makes the fact that we were shut out of the manager's amendment much more painful.

Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. I thank the chairman.

Mr. Chairman, I rise in support of the underlying bill, but oppose the manager's amendment that will be presented basically as the alternative to the bipartisan work product that came out of the committee on a 29–0 vote, I believe. Not a single dissenting vote, Democrat or Republican, was recorded in the committee after we had gone through long debate not only on the base bill as it was presented to us, but numerous amendments presented by both Republicans and Democrats.

9/11 is the seminal moment of this century. It changed the world in which we live. One would hope that it would change the manner in which we work in this House. In many ways, that has occurred with respect to the bipartisan approach that has been utilized in the committee itself. We recall that in the last Congress, we managed to pass the SAFE Ports bill, a bipartisan product, all the way from subcommittee to full committee to the floor to working out the conference with the Senate. Essentially there wasn't too much to work out; they adopted our provisions. And then, on to the President of the United States to sign it. That showed that we can work in a changed world with a changed approach in this House. That is why today is so disappointing.

We have a completed product coming out of the committee, a 29–0 vote, with numerous amendments adopted after full consideration by both Democrats and Republicans, and yet a large portion of that will be stripped out with the manager's amendment to be presented by the chairman of this committee.

I do not question the motivation of my chairman. In fact, I want to believe in my heart that he would rather not tear his own bill apart. I believe he would like to have the whole thing

here. Why? Because we believe it is a better bill that actually goes further to protect America.

Some heard on this floor Mr. REICHERT from our committee, a distinguished member of our committee, the former sheriff of King County in the State of Washington, concerned about the lack of interoperability that reigns across this land. Mr. KING has spoken on the floor about the tragic consequences of a failure of interoperability on 9/11. Others in law enforcement throughout this country talked about it. We approved $1 billion a year ago. In this bill we actually allow greater flexibility so that first responders can utilize this money to make interoperability a fact, and yet that is stricken from this bill if we adopt the manager's amendment.

There are any number of other things that are involved here. One of them that seems to me to be extremely important, and we have held hearings on this, is strengthening maritime alien smuggling laws by denying alien smugglers the use of maritime routes and enhancing penalties for alien smuggling; taken out.

Also, the 9/11 Commission has made it very, very clear that business as usual is not acceptable, and that means in this Congress, and suggests that we should reorganize ourselves so that we have a prime committee that deals with these matters, not because it is a matter of jurisdictional pride, but because of a greater efficiency, a greater oversight, a greater responsibility, a greater accountability and having us mirror the new arrangement that exists in the executive branch.

And so we express a sense of Congress to do this, to carry out that important recommendation of the 9/11 Commission; stripped out by the manager's amendment. There is no real good argument why it should be stripped out except it is.

There is a pilot program for mobile biometrics identification of apprehended aliens at sea and authorizing $10 million for the program. We discussed this. There is a need. There is a vulnerability we have with respect to aliens at sea, and yet we strip it out of here.

□ 1345

I don't believe there is any good argument that you're going to hear on the floor for adopting the manager's amendment, because they have to point to those things that are stripped out to suggest why they're bad, why they don't enhance our security.

I recall when the majority leader came to the floor a year ago, or a little over a year ago and congratulated us on our bipartisan approach for the SAFE Ports bill. I wish he could come to the floor again. If you listened to his words carefully, he said, ''The committee has given us a good bipartisan bill.''

I agree with the majority leader. Let's keep the bipartisan bill. Let's pass it. Let's defeat the manager's amendment.

Mr. THOMPSON of Mississippi. Mr. Chairman, I now recognize the gentlelady from California for 2 minutes, Ms. HARMAN.

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

Ms. HARMAN. Mr. Chairman, as the majority leader pointed out several minutes ago, yesterday the FBI arrested six men following a 15-month investigation. The charges are that, inspired by al Qaeda, they were bent on taking out as many soldiers as possible at Fort Dix using semiautomatic weapons and rocket-propelled grenades. Three of them were in this country illegally. The other three were American citizens. All lived unremarkable lives and seemed well integrated into their communities. Even their next-door neighbors had no reason to suspect that they were actually the vanguard of a new breed of terrorist.

In Torrance, California, in my congressional district, four members of a prison-based jihadist cell await trial on charges of conspiring to wage war against the U.S. Government through terrorism, kill members of the Armed Forces, and murder foreign officials.

Mr. Chairman, this is our future. Protecting the homeland, preventing and disrupting the next terrorist attack is the primary responsibility of the Homeland Security Committee, and I congratulate Chairman THOMPSON and Ranking Member KING for putting together this authorization bill.

The bill strengthens homeland security by expanding on successful ideas like fusion centers and strengthening our infrastructure.

Many in this Chamber are focused on our broken Iraq policy. So am I. But I also worry that, while we are consumed with the Iraq debate, al Qaeda and its friends are successfully expanding and adapting in ways that are long-term, global and enormously dangerous. Al Qaeda has proven that the brand is ''portable.'' Its embrace of low-tech, unspectacular operations makes it much harder to stop.

Why haven't we been attacked here? Some say al Qaeda is waiting to exceed the lethality of 9/11. But if the U.S. is perceived as weaker and bogged down in Iraq and if terrorists are scaling down attacks, an attack or series of near-simultaneous attacks here seems inevitable.

The Homeland Security Subcommittee on Intelligence, which I chair, is focused on the threat of homegrown terrorism and improving ways to disrupt and prevent the next attack. If the terrorists are here, the activities of that subcommittee are critical.

This bill helps us build our intelligence competence. It strengthens parts of the budget that are underfunded and authorizes crucial activities. Vote ''aye.''

Mr. KING of New York. Mr. Chairman, to demonstrate the bipartisanship of the committee, I want to thank the gentleman from Texas (Mr. CUELLAR) for the free advice he just gave me.

With that, I recognize the gentlelady from Florida (Ms. GINNY BROWN-WAITE) for 3 minutes.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I reluctantly rise today to speak against H.R. 1684, the Department of Homeland Security Authorization Act for Fiscal Year '08. I say reluctantly because even though I was cynical about the campaign promises made by the other side to implement the remaining 9/11 Commission reforms, I never dreamed that the American people would be betrayed the way I believe they are today.

Mr. Chairman, the majority of members on our committee rolled over and played dead, letting their other committee counterparts in the House pick this bill clean of many good security measures in a manager's amendment that will strip them out and gut the bill. Yet the majority has the audacity to come to the floor with this skeleton and call it a good bill.

My constituents will be horrified when I tell them that a provision that was worked out in the Homeland Security Committee to include in the base bill was stripped out. That language would have required employers at critical infrastructure sites to verify Social Security numbers of their employees before hiring them.

Do you know why constituents all around the Nation should be outraged? Because 2 years ago, a power plant in Florida unknowingly had a painting contractor who hired illegal aliens. Several of them had pending criminal charges and had been deported multiple times. These workers had access in and around the nuclear power plant. Let me repeat that. A nuclear power plant had illegal aliens with criminal records wandering around in them. Does that not scare you? It scared me, and that's why we added this amendment to fix it.

I wonder if the majority thought of the residents near any nuclear facility and the sheer devastation a criminal or terrorist act in that facility might cause. Were they thinking of the children and the working families, the people who trust us to keep them safe? Or were they thinking of just backroom deals with other committee Chairs?

I say to the people bent on stripping this bill of the security provisions: Stand up for this bill. Stand up for the good we are doing to safeguard the American people. Do not offer the manager's amendment to strip these provisions out and leave the Nation vulnerable in many areas.

There is no way that this House can possibly justify passing an amendment to this bill that will take out provisions like:

Denying alien smugglers access to maritime routes.

Tough postemployment lobbying restrictions on Department of Homeland Security officials, a Democrat provision being stripped.

Implementing the 9/11 Commission recommendation for a single committee overseeing the Department of Homeland Security.

Or authorizing better information sharing among Federal, State and local law enforcement partners.

These provisions were all stripped from the bill. There is no way that we could support this unless we want to water down homeland security.

We should all be concerned about the things that are not in this bill. We could fix the loophole today by giving authorization and leaving the bill the same as it was when it left the committee. That's an important procedure that would protect America's homeland.

Mr. THOMPSON of Mississippi. Mr. Chairman, I wish to help the gentlelady from Florida. If you will check, the data sharing and the child predator requirements are left in the bill. They're not taken out. I just want to make sure that you have the latest version of the bill in that respect.

Mr. Chairman, I yield 2 minutes to the gentlelady from the District of Columbia (Ms. NORTON).

Ms. NORTON. I thank the chairman for yielding. I could take a minute to thank him for his masterful handling of this bill in a bipartisan fashion before this committee.

I want to strongly thank the chairman for the way in which the committee has insisted on endorsing a headquarters for this department, because one of the continuing and most sustained criticisms of the department has been its management. But how can we expect the department to be managed when they are in 60 different places, 80 different leases?

The inefficiencies, Mr. Chairman, associated with the dispersal of this largest department are incalculable. The great cuts and deficiencies we have seen in the Homeland budget pale beside what we see in the way in which it is positioned: multiple and redundant mailrooms and screening facilities and parking and child care facilities and fitness centers; and, above all, shuttles just so that one part of the department can get to meet face to face with another part. Worst of all, one part that I know will be vacated is the Massachusetts Avenue headquarters, and yet they're having to spend $18 million just to make that livable. They are forced to live by short-term leases, rollover leases, wasting money.

We have an opportunity, because to the President's credit, he has put money in the appropriation to begin to build a headquarters for this department. It was in there last session. It did not get passed. It's up to the appropriators, the new appropriators, to make sure we have a real department and real headquarters.

Mr. KING of New York. Mr. Chairman, I am privileged to recognize for 4 minutes the gentleman from Florida who has done such an outstanding job in a brief time on the committee, Mr. BILIRAKIS.

Mr. BILIRAKIS. Mr. Chairman, I rise today in support of H.R. 1684, the Fiscal Year 2008 Department of Homeland Security Authorization Act, a good bill which could be much better. I say that because the manager's amendment, if adopted, would strip out many bipartisan provisions that would have helped prevent terrorism and strengthen immigration enforcement, including one that I authored.

H.R. 1684 currently includes an amendment I sponsored that was adopted during the committee's consideration of this bill which would improve maritime immigration enforcement. As a representative from Florida, I know how critically important it is to secure our maritime borders, as do many of our coastal colleagues.

Coast Guard RADM David Pekoske testified before our Border, Maritime, and Global Counterterrorism Subcommittee in February about the challenges of coastal security. During his testimony, he highlighted an ongoing partnership with US–VISIT to deploy mobile biometrics collection equipment on Coast Guard cutters operating in the Mona Pass between the Dominican Republic and Puerto Rico, where almost half of our maritime migrant apprehensions take place. I was intrigued by the possibility of this effort and the promise it may hold for strengthening our maritime defenses.

My amendment, which the manager's amendment removes from this bill, would expand this effort into a formal pilot program and require DHS to evaluate the results to determine the feasibility and appropriateness of expanding such capability to all DHS maritime vessels. This capability is critically important since we currently do not have the ability to verify the identity of apprehended migrants, previous immigration violators, criminals, and possible terrorists in the maritime environment. This deficiency allows those who seek to break our Nation's immigration laws and those who may wish to commit terrorist acts to remain undetected and be repatriated without consequence so that they are free to continue their illegal and dangerous behavior.

The biometric identification of interdicted aliens in the maritime environment has the potential to greatly improve the security of America's coastal borders. Unfortunately, since the majority has decided to remove this provision from this bill, we will not realize that promise.

I am extremely disappointed and frustrated at this process. Many of the provisions that the manager's amendment strips from this bill were supported by every member of the Homeland Security Committee, including our chairman, whom I greatly admire and respect. However, I cannot understand why we would allow those who do not serve on our committee to dictate to us how we should or should not do our jobs. We simply should not put political expediency above homeland security.

Mr. Chairman, I believe that this bill represents a missed opportunity to enhance our country's immigration enforcement, help stop terrorism, and improve our ability to respond should the unthinkable happen again.

Though I plan to support its final passage here, I implore my friends on the other side of the aisle to work with us to move forward on the many bipartisan provisions which would have made this bill much better.

Mr. THOMPSON of Mississippi. Mr. Chairman, how much time is remaining on both sides?

The CHAIRMAN. The gentleman from Mississippi has 20 minutes. The gentleman from New York has 11.

Mr. THOMPSON of Mississippi. Thank you very much.

Mr. Chairman, I yield 3 minutes to the distinguished chairman of the Energy and Commerce Committee, the gentleman from Michigan (Mr. DINGELL).

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

□ 1400

Mr. DINGELL. Mr. Chairman, I thank my distinguished friend and colleague from Mississippi for the recognition. I recognize that securing our homeland is going to take tremendous efforts across the agencies and involve government expertise and cooperation throughout the government. I want to say that, in this matter, the business of the Nation is in good hands in those of my friend from Mississippi.

I represent Michigan, the State with three of the busiest northern border crossings in the United States. Our citizens have long been accustomed to an open border in which citizens on both sides were able to commute to jobs, visit families, do shopping and visiting across international borders.

With the events of September 11, 2001, our borders were shut. Michigan's economy literally ground to a halt. Just in time deliveries to Michigan factories and industries were stopped at the border. The new security realities threaten to idle factories and to lay off workers.

This bill goes a long way to making sure that we avoid that situation, and it will also enable thousands of our citizens on both sides of the border, Michiganders and Canadians, the freedom to travel when they need to and in ways to which they have grown accustomed.

The US–VISIT program is properly funded, more inspectors will be hired for the border. New technologies will be deployed to help ease the traffic and speed processing.

Under the leadership of our friend, the chairman, Mr. THOMPSON, the bill increases Department of Homeland Security budget by $2 billion more than last year, and nearly 8 percent above the President's budget. Not only is more being put into the border, but we are also restoring funding to our first

responders, money that was cut by the President's budget. State Homeland Security and Fire Assistance grants are restored to appropriate levels.

As I said before, preparing and preventing another terrorist attack is a responsibility to all. As we learned 6 years ago from the anthrax attacks here on Capitol Hill, it is important that the Federal Government have an intelligent, coordinated and effective response to bioterrorism and to all our terrorisms. All Cabinet-level Departments and the agencies under their purview must work towards ensuring our domestic security.

It is, however, important that as we move forward on this legislation, we keep in mind that the agencies have the expertise and the skill to answer public health emergencies. We must not allow mission creep to set in blurring lines of authority and diluting the effectiveness of our response effort.

I also want to point out the need for strong improvements in the cybersecurity of this Nation. The Committee on Energy and Commerce has long sought to raise the profile of cyber threats within DHS and to better prepare the Nation for potentially catastrophic cyber disruptions. The manager's amendment in this legislation will require DHS to collaborate with expert agencies, including the Department of Commerce and the Federal Communications Commission. This collaboration will ensure that ongoing efforts will not be interrupted or eroded.

Mr. KING of New York. Mr. Chairman, I yield 3 minutes to the gentleman from Alabama (Mr. ROGERS) who did such an outstanding job as chairman of the Oversight Subcommittee in the previous conference.

Mr. ROGERS of Alabama. Mr. Chairman, as ranking member of the Homeland Security Subcommittee on Management, Investigations and Oversight, I have worked with my committee colleagues on this legislation for some time. I was also an original cosponsor of the bill, primarily because of its provisions to improve oversight, management and procurement at the Department of Homeland Security.

On March 28, our committee produced a sound bipartisan bill that the committee passed by a vote of 26–0. Unfortunately, as the bill headed to the House floor, jurisdictional turf battles took over. At least 16 important security provisions were dropped, and many more were altered without input from our side of the aisle.

Unfortunately, at least one of the dropped provisions addressed a key 9/11 Commission recommendation. This feature would centralize jurisdiction and oversight for homeland security in one committee, in both the House of Representatives and the Senate.

Last Congress, the Republican leadership in the House heeded this recommendation by creating a new standing Committee on Homeland Security. This new standing committee was wisely vested with substantial jurisdiction over DHS.

While we recognize that last Congress was an ambitious first step, experience has shown that jurisdiction over this department still needs further consolidation, not erosion. Far too many committees and subcommittees in Congress still exercise control and oversight authority over DHS. 88 to be exact. Already this year, DHS officials have testified at over 100 congressional hearings.

It's my hope that leaders on both sides of the aisle can come to an understanding to help consolidate authorization jurisdiction under this one committee. Had this been the case this year, the bipartisan, well-reasoned bill that was originally presented to the House would not have been carved up by jurisdictional turf battles.

Until this issue is resolved, the House will not be able to exercise the needed oversight over DHS, just as it does with the other Departments in the Federal Government. Consequently, I must oppose this bare boned bill, and hope that we will address this critical issue of jurisdiction in the near future.

Mr. THOMPSON of Mississippi. Mr. Chairman, I now recognize the chairman of the Transportation Subcommittee, Ms. JACKSON-LEE, for 2½ minutes.

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

Ms. JACKSON-LEE of Texas. Let me thank the chairman of the full committee, Mr. THOMPSON, and the ranking member. They know that our byline is that we are a bipartisan committee. The reason is because entrusted to the Homeland Security Committee is the security of the Nation, security of a Nation that we love, security of a people that we cherish.

Whenever we hear of a tragic truck accident in California, explosive truck accident, the viciousness of the shooting at Virginia Tech, and the bombing, or the threats of such, in the London train system, we begin to think of our security. No, maybe those are accidents, maybe those are not considered terrorist acts, Virginia Tech or the tragedy in California, but it causes America to begin to think about her own security.

That is why H.R. 1684 is a strong reflection of the importance of security to this majority leadership. I am very proud that, in the early days of our legislation or our time as the majority, we passed the 9/11 bill, certainly working with a bipartisan leadership. We have moved to ensure that for the first time that we have a strong authorization bill on homeland security.

We have not forgotten the employees, and I was glad to be able to offer a particular amendment that addressed the question of the morale and the leadership and the training of our employees. That is important, for if your employees are not fully functioning, the question of security is a question. And so I was delighted to be able to incorporate language regarding the CMOs qualifications, to ensure that the CMO possess a demonstrated ability and knowledge of treatment of illnesses caused by chemical, biological, nuclear and radiological agents.

I am also glad to have developed an amendment which strips the Department of the authority to develop a personnel system different from the traditional GS schedule Federal model. In a number of critical ways the personnel system established by the Homeland Security has been a litany of failure.

The question is, that if we don't order and put in order our homeland security function, then we cannot secure America. That is what 1684 does. And we will address the questions of security, of civil liberties, of protecting our highways, of being concerned about rail security, we will do it and continue to do it because we believe in America.

H.R. 1684 gives us the perfect road map, the perfect hand print to secure this Nation. I ask support for the bill.

Mr. Chairman, September 11, 2001, is a day that is indelibly etched in the psyche of every American and most of the world. Much like the unprovoked attack on Pearl Harbor on December 7, 1941, September 11, is a day that will live in infamy. And as much as Pearl Harbor changed the course of world history by precipitating the global struggle between totalitarian fascism and representative democracy, the transformative impact of September 11 in the course of American and human history is indelible. September 11 was not only the beginning of the Global War on Terror, but moreover, it was the day of innocence lost for a new generation of Americans.

Just like my fellow Americans, I remember September 11 as vividly as if it was yesterday. In my mind's eye, I can still remember being mesmerized by the television as the two airliners crashed into the Twin Towers of the World Trade Center, and I remember the sense of terror we experienced when we realized that this was no accident, that we had been attacked, and that the world as we know it had changed forever. The moment in which the Twin Towers collapsed and the nearly 3,000 innocent Americans died haunts me until this day.

At this moment, I decided that the protection of our homeland would be at the forefront of my legislative agenda. I knew that all of our collective efforts as Americans would all be in vain if we did not achieve our most important priority: the security of our nation. Accordingly, I became then and continue to this day to be an active and engaged Member of the Committee on Homeland Security, and Chairwoman of the Transportation Security and Infrastructure Protection Subcommittee, who considers our national security paramount.

Our nation's collective response to the tragedy of September 11 exemplified what has been true of the American people since the inception of our Republic—in times of crisis, we come together and always persevere. Despite the depths of our anguish on the preceding day, on September 12, the American people demonstrated their compassion and solidarity for one another as we began the process of response, recovery, and rebuilding. We transcended our differences and came together to

honor the sacrifices and losses sustained by the countless victims of September 11. Let us honor their sacrifices by passing H.R. 1684, which bolsters the efficacy, accountability, and our oversight over the Department of Homeland Security.

This bipartisan bill was reported out of the Homeland Security Committee by a unanimous vote and includes many significant provisions I ensured were incorporated either into the base bill or through amendments at the Full Committee Markup aimed at strengthening and streamlining management, organizational, personnel, and procurement issues at the Department to facilitate execution of its homeland security mission.

H.R. 1684 authorizes $39.8 billion in appropriations for the activities of the Department of Homeland Security for Fiscal Year (FY) 2008—$2.1 billion over the requested amount of the President's FY 2008 budget. H.R. 1684 is an oversight and management bill that builds capacity, provides resources, and ensures accountability at what GAO still views as a high-risk endeavor—the transformation and integration of 22 entities into the Department of Homeland Security.

H.R. 1684 establishes important offices such as the Directorate for Policy, the Office of Health Affairs, and the Office of Cybersecurity and Communications. Within the Office of Health Affairs, this bill creates a Chief Medical Officer, CMO, and I worked with Chairman THOMPSON to incorporate language regarding the CMO's qualifications to ensure that the CMO possess a demonstrated ability and knowledge of treatment of illnesses caused by chemical, biological, nuclear, and radiological agents.

Moreover, I introduced an amendment which passed during the Committee Markup of H.R. 1684 which strips the Department of the authority to develop a personnel system different from the traditional GS schedule Federal model. In a number of critical ways, the personnel system established by the Homeland Security has been a litany of failure.

The flexibility we originally granted in the Homeland Security Act of 2002 has not worked. That is why I offered an amendment repealing the DHS human resources personnel system.

The Department has abused the flexibility given by Congress. They have created a personnel system that eviscerates employee due process rights and puts in serious jeopardy the agency's ability to recruit and retain a workforce capable of accomplishing its critical missions.

We initially believed that the flexibility given the Department would allow it to respond better in times of crisis. We know now that nothing could be further from the truth. The abysmal response to Hurricane Katrina taught us that lesson.

Despite Court rulings, however, on March 7, 2007, DHS announced that it will put into effect portions of the personnel system not specifically enjoined by the Court. Just a few weeks earlier, DHS outlined plans to move slower on its controversial personnel overhaul, formerly known as MaxHR, but now called the Human Capital Operations Plan or HCOP.

Implementing these plans would further undercut the fairness of the appeals process for DHS employees by eliminating the Merit Systems Protection Board's current authority to modify agency-imposed penalties. These regulations would also provide the Secretary sole discretion to identify offenses and impose employee penalties as well as appoint a panel to decide the employee appeals the Secretary's action.

According to U.S. District Judge Rosemary Collyer, these regulations put the thumbs of the agencies down hard on the scales of justice in [the agencies'] favor.

The Federal Appeals Court agreed with the District Court's basic conclusion regarding the lack of fairness of these planned changes in adverse action and appeal rights, but ruled that they were not yet ripe for a decision since no one has been subject to discipline under them. It is clear that another court case will be filed should DHS put these provisions into place and an employee is harmed by the new adverse actions and appeals procedures.

Some insisted that employees would be happier and more efficient if they were managed more like the private sector. We know now that nothing could be further from the truth. The Department's morale ratings have consistently been at or near the bottom of all federal agencies.

In February of this year, the Department of Homeland Security received the lowest scores of any Federal agency on a Federal survey for job satisfaction, leadership and workplace performance. Of the 36 agencies surveyed: DHS ranked 36th on job satisfaction, 35th on leadership and knowledge management, 36th on results-oriented performance culture, and 33rd on talent management.

We know that the Department too often does not listen to their employees. In fact, the National Treasury Employees Union, NTEU, sent me a letter on behalf of the 15,000 employees of DHS' Bureau of Customs and Border Protection thanking me for introducing my amendment repealing DHS' failed human resource management system, MaxHR. Despite its incredibly low morale, the Department is not changing its plans to implement MaxHR. Instead the Department is merely changing the name of an unpopular and troubled system. MaxHR will become HCOP.

With the abysmal morale and extensive recruitment and retention challenges at DHS, implementing these personnel changes now will only further undermine the agency's employees and mission. From the beginning of discussions over personnel regulations with DHS more than 4 years ago, it was clear that the only system that would work in this agency is one that is fair, credible and transparent. These regulations promulgated under the statute fail miserably to provide any of those critical elements. It is time to end this flawed personnel experiment.

So it is time for Congress to once again step in. It is time to say to the dedicated workers of the Department of Homeland Security that they deserve to be treated with the same dignity and respect granted to other federal employees. Therefore, I thank my Homeland Security colleagues who supported my amendment repealing DHS' failed human resource management system because Homeland Security is too important to get it wrong again.

I also worked with Chairman THOMPSON to incorporate into H.R. 1684 language authorizing the Citizen Corps and the Metropolitan Medical Response System programs to strengthen emergency response and recovery efforts.

The Citizen Corps Program is a critical program within the Department of Homeland Security that engages the community to be involved in emergency preparedness through public education and outreach, training, and volunteer service.

My language ensured that funding will enable local Citizen Corps Councils to more adequately provide education and training for populations located around critical infrastructure. These populations will have an opportunity to be better prepared to respond to natural disasters, acts of terrorism and other man-made disasters.

In a bipartisan fashion, I also worked with my colleague from Texas, Representative MCCAUL, to draft an amendment regarding CBP officers and their policies. My amendment called for the GAO to study the Border Patrol's policies on pursuit and the use of lethal and non-lethal force.

Our Border Patrol officers operate in some of the most dangerous regions in the country and are often required to use force and pursue suspects on a daily basis. An independent evaluation of these practices and policies is important so that the Border Patrol knows the parameters of its enforcement tactics and has the information necessary to assess whether it needs to adopt new policies.

My amendment also requires GAO to examine the number of incidents where force was used and when it has led to penalties against our Border Patrol officers, so we have hard data that can guide any reassessments that may be necessary.

Recognizing the problem first is essential to fixing the situation. This non-partisan report by GAO will be a major step in evaluating these vital Border Patrol policies.

H.R. 1684 also requires the Department to conduct a Comprehensive Homeland Security Review, similar to the Quadrennial Defense Review conducted by the Department of Defense. In addition, the bill requires pay parity for Customs and Border Protection employees and other border personnel enhancements and addresses critical staffing needs by tapping into the pool of experienced Federal annuitants.

In conclusion, I stand here remembering those who still suffer, whose hearts still ache over the loss of so many innocent and interrupted lives. My prayer is that for those who lost a father, a mother, a husband, a wife, a child, or a friend will in the days and years ahead take comfort in the certain knowledge that they have gone on to claim the greatest prize, a place in the Lord's loving arms. And down here on the ground, their memory will never die so long as any of the many of us who loved them lives.

Mr. Chairman, the best way to honor the memory of those lost in the inferno of 9/11, is to do all we can to ensure that it never happens again. The best way to do that is to bolster the efficacy, accountability, and our oversight over the Department of Homeland Security, which we created in the aftermath of 9/11 to protect and preserve our Nation which we all hold so dear.

Mr. KING of New York. Mr. Chairman, I recognize the gentleman from Texas, the ranking member of the Emerging Threat Subcommittee, Mr. MCCAUL, for 3 minutes.

Mr. MCCAUL of Texas. Mr. Chairman, I rise today not in opposition to

what this legislation stands for, but out of concern for what this legislation fails to include.

Numerous provisions that were part of the authorization bill which were approved unanimously and reported by the Committee on Homeland Security were removed from the legislation that is before us today. And these provisions were largely eliminated without any real policy justification for their removal. Never in the history of the Homeland Security Committee has such an action been done.

One of these provisions stripped from the authorization bill before us today was based on a piece of legislation I introduced which authorizes the National Bio and Agro Facility, or NBAF. The text of this legislation was unanimously approved at the Committee on Homeland Security authorization bill markup.

I am at a loss as to why my colleagues across the other side of the aisle unilaterally decided to eliminate the NBAF provision from this bill, especially when some of my Democratic colleagues on the committee, including Chairman THOMPSON, were original cosponsors of the NBAF legislation.

The need for the NBAF is clear and immediate. Its establishment is crucial to defending our Nation from agroterrorism and naturally occurring animal diseases. Currently, there's not one Biosafety Level 3 and BSL 4 livestock laboratory in the United States, and the NBAF provision would have authorized a facility to fill that gap.

DHS is conducting a site selection process right now. Eighteen sites have been looked at across the country, one close to my district at Texas A&M. They are investing significant resources in the competition.

I'd also like to note that some of the other sites being considered lie in or near districts represented by Democratic colleagues.

Congress has already provided $46 million for pre-construction NBAF activities, and yet, DHS currently does not have the legal authority it needs to even procure the land.

Because the enactment of this legislation is crucial to the establishment of the NBAF and to defending the Nation against the threats of agroterrorism, and because this legislation was eliminated from the authorization bill before us, I urge my colleagues to work to move forward in a bipartisan way to help secure our homeland and to pass H.R. 1717.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 3½ minutes to a former member of the committee, who is still very much interested in homeland security, the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, I want to congratulate the chairman for a great job and his counterpart, ranking member. There's a lot of work that goes into this, a lot of work.

But just 1 year ago today we were still debating the following: We were debating Federal agencies which still tended to spend needless energy fighting one another over turf and money issues. And it's always been unclear as to who is in charge.

The basic issues underlined by the 9/11 Commission and other committees remain unresolved until now. With this piece of legislation, 1684, we are going to really jump into the middle and the center of the storm. We still have inability of police and fire departments to communicate with one another. We still have senseless rivalries among our agencies under our jurisdiction, and, three, there's still incompatibility in computer systems impeding data sharing.

The institutions that we have oversight over must understand that they are the three major areas that they must do something about in a positive sense. This legislation before us, 1684, will strengthen the Department through better management and increased oversight. This finely crafted proposal is important to the security of the United States of America.

So I commend you both. I commend the chairman for his valiant efforts to improve national security. As a former member of the committee, I've worked closely with him over the years, and can state firmly that no one works harder or smarter on issues that affect America's safety than the gentleman from Mississippi.

I also know that working the legislative maze that is Capitol Hill is never an easy task, particularly when it comes to the wide array of turf battles between the various entities.

I think the bill we vote on today, which will pass, is a prudent course charted to overcome those obstacles.

□ 1415

Indeed, this bipartisan proposal includes many significant provisions aimed at strengthening and streamlining management, organizational personnel and procurement issues at the Department to facilitate execution of our mission.

This bill authorizes $39.8 billion in appropriations, $2.1 billion needed over the request of the President of the United States. This side of the aisle, joined by that side of the aisle, will no longer shortchange Homeland Security in the resources and apparatus needed to do the job.

This critical funding will help establish important offices, such as the Directorate for Policy, the Office of Health Affairs, and the Office of Cybersecurity and Communications. Areas that are crucial in homeland security but often are ignored. With this bill we no longer ignore the issues that have the potential to cause us severe harm if left unattended.

The security of our homeland is as important as it gets. This bill takes this austere responsibility seriously. So I applaud the chairman. I applaud the committee and its fantastic staff for crafting sound legislation. And I implore the support of all my colleagues.

Mr. KING of New York. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Chairman, I rise to speak on the Homeland Security authorization bill, H.R. 1684.

The stated purpose of H.R. 1684 is to enhance homeland security. Unfortunately, the restricted rule enacted at the behest of the majority excludes certain measures that would have increased our domestic security. One such provision is my amendment on the Automated Targeting System for Passengers, or ATS-P. ATS-P coordinates information already available from sources and allows Customs and Border Protection to perform risk assessments of people entering the United States. In this way CBP can identify a person of interest and question that individual before, let me repeat, before that person gains formal admission into this country.

This amendment would have been a positive step towards improving border security.

ATS-P is a system that is already deployed and that has already had some notable successes. It would have fulfilled a 9/11 Commission recommendation. And yet the majority remains opposed to it and made sure that it was not made in order. The motive behind that exclusion remains a mystery.

The mystery deepens when one considers what was made in order today, specifically one portion of the manager's amendment. During committee proceedings at my request, we inserted language authorizing funding for the United States Secret Service. The Secret Service, once an entity of the Treasury Department, now falls within the jurisdiction of the Department of Homeland Security. The Secret Service plays an important function in safeguarding the citizens of this country. The amendment I offered would have fully funded the President's request for the Secret Service's protection missions. It also would have provided over $322 million for Investigations and Field Operations, the unit within the Secret Service that investigates and prosecutes counterfeiting, fraud and identity theft.

Mr. Chairman, I will insert a copy of a letter into the RECORD from the National Fraternal Order of Police endorsing the inclusion of Secret Service funding within the Homeland Security authorization bill.

FRATERNAL ORDER OF POLICE,
Washington, DC, May 8, 2007.

Hon. BENNIE THOMPSON,
Chairman, Committee on Homeland Security, Washington, DC.

Hon. PETER KING,
Ranking Member, Committee on Homeland Security, Washington, DC.

DEAR CHAIRMAN THOMPSON AND RANKING MEMBER KING: I am writing on behalf of the membership of the Fraternal Order of Police to express our support for H.R. 1684, the ''Department of Homeland Security Authorization Act of 2008.'' We are strongly supportive

of sections 501, 502, 504, 505, which would provide law enforcement retirement benefits and improve recruitment and retention for Customs and Border Protection (CBP) officers.

I also would like to urge the retention of Sections 1101 and 1120. Section 1101 allows funding from Department of Homeland Security interoperability grants to procure equipment that conforms to the SAFECOM interoperability continuum. SAFECOM is a communications program of the Department of Homeland Security's Office for Interoperability and Compatibility that, with its Federal partners, provides research, development, testing and evaluation, guidance, tools, and templates on communications-related issues to local, tribal, State, and, Federal emergency response agencies. In developing the continuum, SAFECOM coordinated its efforts with numerous State and local law enforcement and emergency services entities. Interoperable communications are critical in the successful prosecution of law enforcement missions and play a critical role in ensuring officer and civilian safety.

We are also asking that you support Section 1120, which authorizes $1.64 billion and an additional 122 personnel for the United States Secret Service, an increase of 14 percent over the President's request. The Secret Service is charged with protecting our nation's most important leaders and visiting foreign dignitaries as well as conducting criminal investigations. Since 9/11 the Secret Service's limited assets have been increasingly stretched thin at a time when the number of candidates they protect has increased from 20 to 55 and the amount of counterfeit money in circulation has increased by 30 percent.

This section would also provide additional funding for our overworked and undercompensated Secret Service Uniformed Division. These dedicated men and women work tirelessly to provide protection to an increasing number of visiting officials, as well as protecting foreign embassies in the United States. However, they are experiencing a turnover rate of 20–25 percent a year as officers leave the agency to find better paying jobs with other Federal law enforcement agencies.

It is important that law enforcement receives the tools and funding needed to fulfill its mission. Sections 1101 and 1120 do just that and we urge you to retain them in the final bill. On behalf of the more than 325,000 members of the Fraternal Order of Police, I want to thank you for all of your help on this important issue. Please do not hesitate to contact me, or Executive Director Jim Pasco, through our Washington office if we can be of any further assistance.

Sincerely,

CHUCK CANTERBURY,
National President.

In fulfilling our homeland security mission, this Congress should provide oversight of and support for homeland security agencies, one of which is now the Secret Service. The FOP endorses this suggestion. So do I. I wish that my colleagues on the other side would embrace this idea, along with the better security provided by the ATS–P provisions as well.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. ETHERIDGE).

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

Mr. ETHERIDGE. Mr. Chairman, I thank the gentleman for yielding. And let me thank the chairman and ranking member for their hard work.

The Department of Homeland Security is tasked with protecting America and its citizens. There is no greater charge. Oversight is critical to the Department both to root out waste, fraud and abuse, and to examine the effectiveness and to recommend improvements for the Department's operations. This bill provides support for the Inspector General's Office and creates tools that will enhance transparency for Congress and the public.

To help improve policymaking at the DHS and to promote long-term planning, this bill establishes a Directorate for Policy to be headed by an undersecretary for policy and requires a quadrennial review of the Department's practices and mission.

This policymaking must address the needs of America's most vulnerable citizens: its children. I thank the chairman for including my language that requires the Directorate for Policy to address the needs of children. That will enable the Department to enhance school preparedness and other emergency planning needs of facilities for children.

As a former superintendent of North Carolina's public schools, I know how important planning is to preparedness and security for our schools and other places that focus on our children. The Department must understand the importance of including schools and children in emergency planning, and this bill will ensure that it does so.

I also believe that DHS must prioritize the protection of our critical food and agriculture infrastructure to enhance the health and security of America. The ongoing melamine crisis only reveals how vulnerable we are.

This bill requires the Department to report on their progress on agriculture security in response to issues raised by two critical reports on their efforts. That will ensure that DHS is doing appropriate planning for agriculture security and give Congress the opportunity for oversight. I thank the chairman for including this in this bill.

I am also concerned about the security of sensitive materials used by the Department, uniforms, badges, identification cards, and protective equipment.

H.R. 1684 enhances the nation's security by requiring these items, subject to practical exceptions, produced domestically when they will be used domestically.

Taken together, the many good provisions in this bill will improve the Department's ability to protect our homeland. This is a good, bipartisan bill, and I urge my colleagues to support it.

Mr. KING of New York. Mr. Chairman, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 1½ minutes to the gentleman from south Texas (Mr. CUELLAR).

Mr. CUELLAR. Mr. Chairman, I rise in support of H.R. 1684, the Department of Homeland Security Authorization Act.

As a cosponsor, I certainly want to thank Chairman THOMPSON for the leadership and the strong support that he has shown in moving this bill along, and I also want to thank my friend, Ranking Member KING, for his bipartisan work and for the hard work that he has provided.

This particular bill has three provisions that I have added with the help of the chairman, the ranking member, my colleagues and the committee staff. And I want to thank them for their work.

The first provision creates a direct line of communications between border local elected officials and the private sector and the policymakers at the Department through a Border Communities Liaison at the DHS Office of Policy. This is important to make sure that we get the local input.

The second provision calls for the evaluation of and emphasis on training of Border Patrol agents along the southwest border where many of them are going to serve.

And the third and last provision mandates for the first time a comprehensive assessment of the staffing, infrastructure and technology resources that are needed to reduce the wait times for pedestrian, commercial and noncommercial traffic at the border. We want to have border security, but at the same time, we do not want to impede trade and tourism.

I thank Chairman THOMPSON for his support and ask my colleagues to support H.R. 1684.

Mr. KING of New York. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Chairman, I would like to engage in a brief colloquy with the chairman about an amendment Mr. LIPINSKI and I offered in the Rules Committee yesterday afternoon regarding airport security badges.

Dave Savini of CBS TV revealed that, since 2004, 3,760 aviation security badges have gone missing at O'Hare. These badges are the only identification needed for law enforcement officials, independent contractors, baggage handlers, flight attendants and pilots to enter the airfield. When an employee is fired, some airport contractors are unwilling to reclaim their badges from employees, who retain full access to the airport.

This problem is not isolated at Chicago. In early February, officials at Los Angeles International Airport reported 120 missing TSA badges; in Oakland, 500 missing badges; in Buffalo, nearly 40 missing badges; and 42 missing badges in Dallas.

Mr. Chairman, the Kirk-Lipinski amendment we offered would require airport contractors to make a reasonable effort to retrieve badges from employees whose employment has ended and notify the local airport authority within 24 hours. Failure to comply would then result in a civil fine of up

to $10,000 per day. Hitting contractors where it hurts, in their pocketbooks, can help make our Nation's airports safer. And our amendment will now be included in a freestanding bill.

Mr. Chairman, I thank you for engaging in this colloquy on this matter and appreciate your support in working with Mr. LIPINSKI and me in a bipartisan manner to address this issue in the future.

I yield to the chairman.

Mr. THOMPSON of Mississippi. Mr. Chairman, I thank Mr. KIRK as well as Mr. LIPINSKI for bringing this to the committee's attention. I agree with the gentleman that the issue of airport security badges must be examined in closer detail.

I share your commitment to securing our airports and look forward to working with you on this issue in the Homeland Security Committee.

Mr. KIRK. I thank the chairman.

Mr. THOMPSON of Mississippi. Mr. Chairman, I now yield 2½ minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

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

Mr. LANGEVIN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise today in strong support of the Department of Homeland Security Authorization Act.

In 4 years Congress has not been able to successfully pass an authorization measure into law. That all changes today, and I want to commend the chairman and the ranking member for their leadership in bringing the bill to the floor today.

Today, the Democratic majority is changing paths by making homeland security and appropriate oversight a priority for Congress, and under the leadership of Chairman THOMPSON, we will pass the bill this year. This bill provides us that opportunity while authorizing an additional $2.1 billion for the Department. This is truly an historic moment. While I applaud many provisions of this bill, I particularly would like to focus on a few key elements that will significantly improve America's security.

As chairman of the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology, I am particularly pleased that this bill incorporates legislation I introduced to improve the material threat assessment process under Project BioShield. This language requires the Secretary to effectively group similar threats together in order to move towards a ''one drug, many bugs'' approach to biosecurity that will allow us to combat multiple threats simultaneously.

H.R. 1684 also establishes a National Biosurveillance Integration Center based on a measure that I introduced. Biointelligence and biosurveillance provide the early warning systems necessary to detect the spread of disease, whether natural or intentional. This center will integrate data from biosurveillance systems with other intelligence to provide a comprehensive and timely picture of existing biological threats.

Lastly, this bill recognizes the importance of investing more in cybersecurity, a critical need at this juncture. We authorize an additional $50 million for cybersecurity research and development activities at DHS, critical resources to address one of our most pressing and underfunded needs. We cannot overestimate the importance of biosecurity.

Again, I want to stress the importance of cybersecurity, and we need to do more in this area. And I look forward to working with the chairman on this and other priorities.

I want to thank Chairman THOMPSON for including these and many other critical provisions. I am proud that we are well on our way to seeing the first ever DHS authorization bill signed into law. And I urge my colleagues to join me in supporting this measure.

Thank you, Chairman THOMPSON, for your leadership.

Mr. KING of New York. Mr. Chairman, I will continue to reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Chairman, for the purpose of a colloquy, I would like to yield such time as he may consume to the gentleman from Texas.

□ 1430

Mr. RODRIGUEZ. Mr. Chairman, I would like to thank you for this time and for your willingness to work with me on issues that are important to my district and to the State and the country as a whole.

As you know, I represent one of the longest stretches of the southern border with Mexico, my congressional district, the 23rd. Eleven counties in my district are on the Mexican border, and a variety of others are 20 miles away from the Mexican border.

As I travel throughout my district, one of the most common concerns is the lack of resources rural law enforcement officers have on the border. These departments often have just a few officers on the entire force, and they have to handle the same drug cases and human smuggling cases that large cities do. Except processing these cases in small communities means taking half or, in some cases, all of the staff in those particular communities.

I had planned to offer an amendment that would have provided necessary additional resources for the border to local police departments as well as the sheriff's departments to hire and equip and train additional officers. I have withdrawn that amendment with the hopes of being able to work with the chairman and this committee to bring this critical aid to our local law enforcement on the Mexican border.

Mr. Chairman, once again, I thank you; and I would ask for your help and your assistance.

Mr. THOMPSON of Mississippi. Mr. Chairman, I would like to thank the gentleman from Texas (Mr. RODRIGUEZ) for his willingness to work with the committee. I know very well how important border security is to his constituents and how hard he has worked since returning to Congress to keep his community safe and bring the necessary resources to Federal, State and local law enforcement on the border. I certainly appreciate his expertise on border security issues. I look forward to working with him to ensure that our brave law enforcement men and women receive the assistance they need to keep border communities in our Nation safe and secure.

Mr. THOMPSON of Mississippi. Mr. Chairman, at this time, I will insert into the RECORD letters from the American Federation of Government Employees and The National Treasury Employees Union in support of this legislation.

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL–CIO,
Washington, DC, May 7, 2007.

DEAR REPRESENTATIVE: On behalf of the American Federation of Government Employees (AFGE), which represents 26,000 Department of Homeland Security (DHS) workers, I strongly urge you to vote in support of passage of H.R. 1684, the Department of Homeland Security Authorization Act for Fiscal Year 2008. The legislation responds to many issues AFGE has raised on behalf of the Border Patrol Agents, Customs and Border Protection Officers, Transportation Security Officers, Federal Protective Service Officers and other workers important to the agency's mission of keeping our country safe.

H.R. 1684 supports DHS workers by repealing the portion of MAXHR (the agency's flawed attempt to re-make civil service rules and protections) relating to employee appeal rights and performance management goals. The repeal of these provisions is of great importance because DHS has stated its intention to implement MAXHR regulations on employee appeal rights and performance management goals despite the likelihood that they will be overturned in federal court. The legislation also restores statutory authority for collective bargaining rights for DHS workers because the DHS regulations establishing a new collective bargaining system have been overturned by the courts. The reinstatement of fairness in DHS workplace rules and procedures is vitally important to keeping the expertise of highly trained, committed homeland security professionals at the agency.

H.R. 1684 recognizes the legitimate law enforcement responsibilities of Customs and Border Patrol Officers by including them in the federal Law Enforcement Retirement System, and strengthens Border Patrol Officer recruitment and retention measures, which will ensure that there are adequate personnel available to patrol our borders. The legislation also includes provisions that will prevent Immigration and Customs Enforcement from implementing its unsound plan to eliminate police officers and special agents at the Federal Protective Service. H.R. 1684 recognizes that worker security in the DHS workplace facilitates greater homeland security for us all.

The workers at DHS have performed above and beyond the call of duty, even with bad workplace rules and policies. H.R. 1684 recognizes the contribution of the men and women on the front lines of security and provides them with the resources necessary to ensure

that they continue to provide the best security in the world today. AFGE again strongly urges you to vote in support of H.R. 1684.

Sincerely,

BETH MOTEN,
Legislative and Political Director.

THE NATIONAL TREASURY EMPLOYEES UNION,
Washington, DC, May 7, 2007.

Re Vote Yes on H.R. 1684, FY 2008 Department of Homeland Security Authorization Act

DEAR REPRESENTATIVE: I am writing on behalf of the 150,000 members of the National Treasury Employees Union (NTEU) including 15,000 employees at the Department of Homeland Security's (DHS) U.S. Customs and Border Protection (CBP) to urge you to vote for passage of H.R. 1684, a bill to authorize appropriations for fiscal year 2008 for DHS.

H.R. 1684 includes many provisions that will enhance DHS's national security mission. Of particular importance is Section 512 a provision that repeals the failed DHS human resource management system established by the Homeland Security Act of 2002 and the subsequent regulations issued by DHS.

In February of this year, DHS received the lowest scores of any federal agency on a federal survey for job satisfaction, leadership and workplace performance. Of the 36 agencies surveyed, DHS ranked 36th on job satisfaction, 35th on leadership and knowledge management, 36th of results-oriented performance culture, and 33rd on talent management. As I have stated previously, widespread dissatisfaction with DHS management and leadership creates a morale problem that affects the safety of this nation.

The four-year DHS personnel experiment has been a litany of failure because the law and the regulations effectively gut employee due process rights and put in serious jeopardy the agency's ability to recruit and retain a workforce capable of accomplishing its critical missions. When Congress passed the Homeland Security Act in 2002, it granted the new department very broad discretion to create new personnel rules. It basically said that DHS could come up with new systems as long as employees were treated fairly and continued to be able to organize and bargain collectively.

The regulations DHS came up with did not even comply with these two very minimal and basic requirements and subsequent court rulings confirmed this truth. It should be clear to Congress that DHS has learned little from these court losses and repeated survey results and will continue to overreach in its attempts to implement the personnel provisions included in the Homeland Security Act of 2002. On March 7,2007, DHS announced that it will implement portions these compromised personnel regulations that were not explicitly ruled illegal by the courts.

With the abysmal morale and extensive recruitment and retention challenges at DHS, implementing these personnel changes now will only further undermine the agency's employees and mission. From the beginning of discussions over personnel regulations with DHS more than four years ago, it was clear that the only system that would work in this agency is one that is fair, credible and transparent. These regulations promulgated under the statute fail miserably to provide by of those critical elements. It is time to end this flawed personnel experiment Passage of H.R. 1684 will accomplish this.

Also included in this legislation is Section 501, a provision that finally recognizes the Law Enforcement Officer (LEO) status of CBP Officers (CBPOs). Section 501 grants prospective LEO status and benefits to CBPOs as of March 2003. NTEU recognizes Section 501 as a significant breakthrough in achieving LEO status for those CBPOs on the frontlines protecting our nation's sea, air, and land ports. NTEU members appreciate this significant first step and vows to work with Congress to assure comprehensive coverage of all CBPOs.

NTEU strongly supports H.R. 1684 and urges you to vote to approve the bill this week on the House floor and oppose any amendments that would weaken the abovementioned provisions.

For more information or if you have any questions, please contact Jean Hutter with the NTEU Legislation Department.

Sincerely,

COLLEEN M. KELLEY,
National President.

I now recognize the gentleman from Texas (Mr. AL GREEN) for 1 minute.

Mr. AL GREEN of Texas. Mr. Chairman, I compliment you for the outstanding job that you have done in bringing this bill to the floor. I also thank the ranking member for the support that has been shown.

Mr. Chairman, this bill contains $39.8 billion for Homeland Security. It is worthy of noting that this is $2.1 billion more than the President has requested and that it restores some of the numerous cuts made by the President.

This bill provides accountability. This bill has a strong means by which our homeland will begin to move in the direction of getting the kind of support that it needs to be secure.

I strongly urge my colleagues to support this bill.

Mr. KING of New York. Mr. Chairman, as we leave general debate and begin to debate the amendments, I would again say I commend the gentleman from Mississippi, the chairman, for the bill that was put forth in the committee which came out of the committee.

I am, again, disappointed by the product that came here today. I understand the realities of politics and the realities of governing, but I just wish we could have made more of an effort to move the committee product further along, rather than make the concessions that were made. There are just so many important matters that were either dramatically revised or eliminated, which weakens the thrust of where we're going.

We will be debating amendments for the next several hours. The debate will be in good faith, just as our efforts on the committee are in good faith, but I just wish the leadership of the House would do more to improve and to enhance and to further the position of the Homeland Security Committee so we can do the job that we have been chartered to do and we can do the job the 9/11 Commission wants us to do, to do the job that the 9/11 families want us to do, and do the job that the memory of those who were murdered on 9/11 really command that we do.

With that, Mr. Chairman, I look forward to the upcoming debate. I am disappointed in the product that is before us. Having said that, I remain enthusiastic about the job that we as a committee can do under the chairmanship of Chairman THOMPSON and with the strong cooperation from the minority on the committee.

Mr. Chairman, with that, I yield back the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield myself the balance of the time for closing.

First of all, let me pay tribute to my colleague from New York, Ranking Member KING. We have worked very well on this bill. This is the first time that we have done an authorization bill before an appropriation bill. We are trying to establish jurisdiction for this committee going forward. This is the first Democratic effort in that direction.

Some of us would have preferred a broader bill, but my colleague understands that, given the nature of Congress and the nature of how we do business, sometimes that's not practical.

What I did was brought, through this manager's amendment, which you will see after this debate, a bill that we all have agreement on, even the chairmen of the various communities of jurisdiction. So I am committed, just like the ranking member and most Members in Congress, to support the Department of Homeland Security, to make sure that we defend ourselves against terrorists abroad as well as terrorists at home, to make sure that we respond to disasters regardless of what nature they come in. But in order to do that, we need a robust organization. We need someone with accountability. This bill, H.R. 1684, builds on that.

Mr. Chairman, I urge my colleagues to vote ''aye'' on H.R. 1684.

Mr. CONYERS. Mr. Speaker, I rise today in support of "H.R. 1684, the Department of Homeland Security Authorization Act of 2008." One of our greatest responsibilities is the protection and security of our citizens and they deserve a vigorous and accountable homeland security policy. H.R. 1684 will now provide just such a policy that will allow us to address the weaknesses that were apparent in the administration's previous attempts at providing Homeland Security.

This legislation, which was developed through bipartisan support, is a proactive step in making our country a much safer place to live, work and play. The bill authorizes $39.8 billion for the Department of Homeland Security for Fiscal Year 2008—which is $2.1 billion more than President Bush requested in his budget and funds many much needed programs to keep America safe.

The bill restores funding to the State Homeland Security Grant Program, which supports first responders in their mission to prevent, prepare for and respond to acts of terrorism. This bill also restores the President's 55-percent cut in firefighter assistance grants and restores the elimination of the Local Law Enforcement Terrorism Prevention Program. H.R. 1684 will also provide funding for vital first responder programs and provide resources for a number of other critical homeland security activities that were reduced in the President's budget.

The Department of Homeland Security has been faced with management and oversight

issues since its inception. A July 27, 2006 article by the Washington Post stated that, ''The multibillion-dollar surge in Federal contracting to bolster the Nation's domestic defenses in the wake of the Sept. 11, 2001 attacks has been marred by extensive waste and misspent funds, according to a new bipartisan congressional report.'' This bill will help to refocus and provide the necessary training and resources to help the Agency achieve its goals and address mismanagement issues. H.R. 1684 will require the Department of Homeland Security to consider past performance of a firm before deciding whether to award a new contract. As a part of a contract bid, each firm seeking the contract must submit information regarding its past performance of Federal, State, local, and private sector contracts.

I am committed to ensuring that we are prepared to protect our families, our homes, and our Nation against any and all terrorist threats. So, I am honored to support this legislation.

Mr. LANGEVIN. Mr. Chairman, I rise in strong support of the Department of Homeland Security Authorization Act. In 4 years, Congress has not been able to successfully pass an authorization measure into law. Today the Democratic majority is changing paths by making homeland security and appropriate oversight a priority for Congress, and under the leadership of Chairman THOMPSON, we will pass a bill this year. This bill provides us that opportunity, while authorizing an additional $2.1 billion for the Department. While I applaud many provisions of this bill, I would like to focus on a few key elements that will significantly improve America's security.

As Chairman of the Subcommittee on Emerging Threats, Cybersecurity and Science and Technology, I am pleased that this bill incorporates legislation I introduced to improve the material threat assessment process under Project BioShield. This language requires the Secretary to effectively group similar threats together in order to move towards a ''one drug, many bugs'' approach to biosecurity that will allow us to combat multiple threats simultaneously.

H.R. 1684 also establishes a National Biosurveillance Integration Center based on a measure I introduced. Biointelligence and biosurveillance provide the early warning systems necessary to detect the spread of disease, whether natural or intentional. This Center will integrate data from biosurveillance systems with other intelligence to provide a comprehensive and timely picture of existing biological threats.

This legislation also incorporates the SAFETY Reform Act of 2007, a measure I introduced to help ensure that safe and effective anti-terrorism technologies are being deployed by the Department of Homeland Security. The provision will increase personnel trained to apply economic, legal and risk analyses involved in the review of anti-terrorism technologies, which will streamline the application process and encourage participation in this program across all levels of government and the private sector.

Lastly, this bill recognizes the importance of investing more in cybersecurity. We authorize an additional $50 million for cybersecurity research and development activities at DHS, critical resources to address one of our most pressing and under-funded needs.

I thank Chairman THOMPSON for including these and many other critical provisions. I am proud that we are well on our way to seeing the first-ever DHS Authorization bill signed into law, and I urge my colleagues to join me in supporting this measure.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I rise in support of H.R. 1684, the Department of Homeland Security Fiscal Year 2008 Authorization bill.

As the Vice Chair of the Homeland Security Committee I am proud to be an original cosponsor of this important, bipartisan authorization bill that will provide much needed guidance to and oversight of the Department of Homeland Security, and will be the first DHS Authorization bill voted on by the House.

H.R. 1684 contains many key provisions that will improve the Department's long range planning, accountability, personnel development. It will also provide long-neglected authorization for critical programs at the Department.

This legislation authorizes an Undersecretary for Policy and a Comprehensive Homeland Security Review at the start of each new Presidential Administration.

These provisions will help ensure that the Department is looking beyond the crisis at hand, planning for the future, and keeping its resources aligned with its mission and the National Strategy for Homeland Security.

In addition, I am pleased that this legislation includes a sense of the Congress that the consolidation of the Department's headquarters on the West campus of St. Elizabeth's Hospital should move forward rapidly.

I believe the establishment of this headquarters will have a positive effect on the efficiency, operations, and morale of the Department.

In terms of accountability, H.R. 1684 requires enhanced oversight of large contracts under the Department's Secure Border Initiative.

Personnel development is a major issue for the Department. This legislation authorizes expanded procurement training for acquisition employees; and enhanced incentives for the recruitment and retention of Border Patrol agents.

The bill also addresses several key policy areas. These include requiring the Department to plan for the implementation of the biometric exit component of the US–VISIT program.

This is an essential border security issue that will enable us to know who is in the country, and to better track people overstaying their visas.

In addition this legislation provides five year authorization of the Metropolitan Medical Response System, a critical program to ensure response capabilities for all-hazards mass casualty events.

I urge my colleagues to join me in supporting H.R. 1684, and in working together to have a Homeland Security Authorization bill signed into law this year for the first time ever.

Mrs. CHRISTENSEN. Mr. Chairman, I rise today in strong support of H.R. 1684, the Department of Homeland Security Authorization Act of 2008. I would like to commend Chairman THOMPSON and Ranking Member KING for their diligent leadership in bringing this bill to the floor today. I would also like to acknowledge the work of my colleagues on the committee and commend our leadership for the improved dialogue with Secretary Chertoff and other DHS officials.

The Department of Homeland Security's primary mission is to help prevent, protect against and respond to acts of terrorism on U.S. soil. On March 1, 2003, it united 22 agencies with more than 87,000 different governmental jurisdictions at the Federal, State and local levels having homeland security responsibilities. The agency has been in existence for 4 years and, although it has responded to an unprecedented number of terrorist threats and national emergencies, there remain many managerial, technical, and policy issues that prevent the agency from optimally functioning—and the whole world has witnessed some of these deficiencies.

H.R. 1684 addresses the department's current shortfalls by, among other things, providing for policy, management and integration improvements, oversight improvements, much needed integrity and enhanced accountability in the contracting process, workforce and training improvements, and grants and training to improve emergency response among other provisions. As a physician and Chair of the Congressional Black Caucus Health Braintrust, I am especially supportive of the provisions that will authorize the Chief Medical Office to serve as the Department's lead authority on matters relating to all aspects of health and creating an Office of Health Affairs to be headed by the CMO. This would give the CMO more autonomy in having oversight and regulating the agency's role in Bioshield—a program that itself has not functioned as envisioned or needed.

I am also very glad to see the increased funding in Customs and Border Protection. Our Nation's borders, including those in my district—the U.S. Virgin Islands, are major points of illegal entry to the United States and renders it vulnerable to terrorist attack. I am pleased to say that U.S. Border Patrol's Ramey Sector has begun detailing Border Patrol Agents to St. Thomas and also plan on detailing Agents to St. Croix. But our goal is to have a border patrol unit and we will work to see that this provision enables us to do that.

Mr. Chairman, H.R. 1684 is the product of numerous hours of oversight hearings to address the many issues that plague DHS. Not only does the bill address management issues but it will restore funding for vital first responder programs and provide resources for a number of critical homeland security activities. Today, we have the opportunity to show our Nation that its security is our priority. I urge my colleagues to support its passage.

Ms. ZOE LOFGREN of California. Mr. Chairman, congratulations to Chairman BENNIE THOMPSON for getting the DHS Authorization bill to the floor for the first time in 2 years.

This authorization bill is the result of countless hours of negotiation and I would like to recognize Chairman THOMPSON and his staff for all their hard work.

H.R. 1684 addresses the difficulties the Department of Homeland Security has faced in contracting, procurement, the morale of employees, management, and oversight.

We cannot continue to sit idly by while the Department which is charged with leading the unified national effort to secure America is not operating effectively.

Again, congratulations to my good friend Chairman THOMPSON on this accomplishment.

Mr. MARKEY. Mr. Chairman, I rise in support of this authorization bill, and I commend Chairman THOMPSON for his hard work in shepherding this important bill to the Floor

today. Today is a monumental moment for the Homeland Security Committee and for this House, as we bring forward an authorization bill to the floor—which our Committee was unable to do during the last Congress.

I am proud that the bill we are considering today to authorize the operations of the Department of Homeland Security for Fiscal Year 2008 includes a vital first responder provision on the Metropolitan Medical Response System—or MMRS. I'd like to thank Chairman THOMPSON for his leadership and also recognize the work of Subcommittee Chair SANCHEZ and Ranking Member KING on this important program.

Despite the Bush administration's repeated efforts to eliminate this unique and effective program, Congress has wisely and consistently appropriated funds for MMRS over the years, providing $33 million for the program this year. While preservation of the MMRS program is paramount, new duties and responsibilities assigned to MMRS—such as response to an avian flu pandemic—require additional funding. That is why I am pleased that the authorization bill contains funding at the $63 million level per year for fiscal year 2008 through 2011.

The authorization bill also resolves programmatic problems that MMRS responders have faced as they work to perform their difficult jobs.

Specifically, the bill clarifies that the cap on personnel expenses, which had been set at 15 percent of the grant funding a jurisdiction receives, is lifted. This change will ensure that jurisdictions have the resources—if needed—to hire and retain experienced and talented personnel. The bill we are considering today also makes clear that MMRS jurisdictions should have the authority they need to come to the aid of neighboring jurisdictions in emergencies—even if they are located across State lines—without being impeded by unnecessary bureaucratic restrictions. And the bill directs the Assistant Secretary of Health Affairs to conduct a review of the MMRS program and report to Congress on the several issues that could further strengthen the program, such as whether MMRS would be more effective if it were once again managed through a contractual agreement with the Federal Government rather than through the current process, which requires Federal funding to be passed through State administrative offices before the funds can be released to the MMRS jurisdictions.

Mr. Chairman, as you know, the MMRS program is the only Federal program that helps first responders, medical personnel, emergency management workers, and businesses develop effective, integrated capabilities to minimize casualties in the event of a terrorist attack using a weapon of mass destruction, a natural disaster such as a hurricane, or a public health emergency including an avian flu outbreak.

As demonstrated by the Bush administration's failed response to Hurricane Katrina, our country has a dangerous ''Preparedness Gap''. Established after the Oklahoma City bombing, the MMRS program is designed to increase our Nation's preparedness capabilities through grants that currently provide funding to 125 jurisdictions in 43 States.

The MMRS program helps local first responder and ''first receivers'' such as doctors, emergency medical technicians and public health officials buy the specialized equipment and get the training needed to act in a coordinated fashion that will save lives in the event of a mass casualty event—whether it's a terrorist attack or a natural disaster.

In the post 9/11 era, there can be no doubt that Al Qaeda is willing and capable of launching attacks on the United States. Moreover, the ongoing potential for severe hurricanes and flooding remind us of the urgent need to be prepared to respond in an organized, effective way to all hazards. The MMRS program is an essential part of our preparedness capability.

Our MMRS personnel across the Nation are hometown heroes. But even heroes need help. Thank you, Chairman THOMPSON, for your help and support of this program, and I urge my colleagues to support the authorization bill.

I would also like to note the strong need for this bill's cyber-security improvements. The Subcommittee on Telecommunications and Internet, which I chair, and full Energy and Commerce Committee under the leadership of Chairman DINGELL, have worked on a bipartisan basis, with Ranking Members UPTON and BARTON, to address cyber threats within the Department of Homeland Security in order to ensure that our country is adequately prepared for massive disruptions from cyber attacks.

This measure provides needed guidance to DHS on these Congressional expectations. Moreover, this legislation will require the Assistant Secretary for Cybersecurity and Communications at DHS to collaborate with the Department of Commerce and the Federal Communications Commission—agencies that have established roles in protecting vital telecommunications and cyber assets. Such collaboration will ensure that ongoing efforts will not be interrupted or wastefully duplicated at the Department of Homeland Security. For example, NTIA's organizing statute establishes the head of NTIA as the President's principal adviser on telecommunications issues. In addition, the agency is compelled by the same law to pursue policies to foster national safety and security, to promote efficient use of Federal spectrum, to coordinate Federal telecommunications assistance to State and local governments, and to coordinate the Executive Branch's telecommunications activities, including the formulation of policies and standards for interoperability, security, and emergency readiness and ongoing review of management of the Internet domain name system.

The FCC also protects telecommunications and cybersecurity, and under the Communications Act is responsible for assuring rapid and efficient communication services with adequate facilities for the purpose of the national defense and promotion of the safety of life and property.

I also support amending this important legislation in order to address the pressing need to improve interoperable communications among first responders. This is something that we have been working on for several years. Representatives CARDOZA's expected amendment does not limit interoperability efforts to a single technology or solution. This is vitally important, especially given the history at DHS with grant programs for these efforts. Last year, Congress established a $1 billion interoperability grant program at the Department of Commerce, distinct from DHS's efforts, so that the Commerce Department could draw upon its spectrum and telecommunications expertise. In their respective programs, both DHS and the Department of Commerce should include methodologies to better ensure that funds for interoperability are being used effectively. DHS would do well to implement all of the recommendations of the GAO suggested in its recent report. There is a significant amount of work that DHS must perform in order to improve its interoperability efforts and we will be watching such efforts closely.

Mr. LARSON of Connecticut. Mr. Chairman, I regret that I could not be present today because of a family medical situation and I would like to submit this statement for the record in support of H.R. 1684, the Department of Homeland Security Authorization for Fiscal Year 2008.

Since its creation in 2003, the Department of Homeland Security has been one of the most mismanaged departments in the Federal Government. Failing to learn from the severe preparedness gaps exposed by the failed response to Hurricane Katrina, the Administration has proposed deep cuts to vital, core programs that assist local communities in responding to disasters. For example, the Administration requested a 52 percent funding cut for the State Homeland Security Grant Program and no funding for the Metropolitan Medical Response System, MMRS, program—the only Federal program that helps first responders, medical personnel, emergency rmnagement workers, business and other stakeholders develop effective, integrated capabilities to minimize causalities in the event of a terrorist attack using a weapon of mass destruction, natural disaster, or public health emergency. Eliminating funding for MMRS would have grave implications for 125 municipal authorities, in 43 States, including Connecticut.

In comparison, the Democratic-led House has put forth a bill that invests in securing the homeland and ensures accountability within the Department of Homeland Security. The bill authorizes $39.8 billion for the Department of Homeland Security for fiscal year 2008. This funding would provide our local communities with the tools to respond to terrorist attacks and natural disasters and improve the Government's ability to prevent terrorist attacks through greater information sharing. The bill also authorizes $63 million annually for the MMRS program through fiscal year 2011. Most importantly, the bill includes accountability provisions and provisions to strengthen and streamline management of the Department.

We must remain vigilant in protecting the American people and in preparing to respond to terrorist attacks, major disasters, and other emergencies. I urge my colleagues to join me in supporting the underlying bill.

Mr. HOLT. Mr. Chairman, I urge my colleagues to support this bill. If enacted, it will spur needed improvements in a critical Federal department that is clearly struggling in many areas.

Earlier this year, the Department tried to put the best face on a devastating poll of Federal agencies in which DHS was ranked worst among places to work in the executive branch. Poor morale has led to significant turnover throughout the various agencies that comprise DHS, and inequitable pay scales have contributed to this problem. This bill corrects one of those inequities: the bill strips the Department

of the authority to develop a personnel system different from the traditional GS schedule Federal model. Workers who perform largely the same tasks at DHS that are performed at other agencies should not be paid less for doing the same work. This is a basic issue of fairness, and I'm glad the bill addresses this issue.

I'm also pleased that the bill requires pay parity for Customs and Border Protection employees. Our CBP officers often have some of the most dangerous and thankless jobs in the Federal Government. The fact that in the past they have not been compensated at the same rate as other Federal law enforcement officers is an injustice that this bill remedies. Recruiting and retaining CBP officers who are skilled at managing the complex and sometimes dangerous task of protecting our borders must be a national priority. This provision reaffirms that fact.

This bill also seeks to strengthen and formalize the Department's roles and relationships with State and local fusion centers. If there is one complaint I think every member of Congress receives from their local first responders, it's that information they receive from DHS is either late in getting to them, irrelevant to their needs, or both. I have spoken to DHS's Chief Intelligence Officer, Charlie Allen, about this ongoing problem. He knows there is much more that needs to be done to improve the information sharing process. What is unclear to me is whether the Department's senior leadership recognizes the problem.

What DHS needs—but still lacks—is a common intelligence database that is accessible to State and local law enforcement officials who are cleared to receive such information. Posting more DHS personnel to State and local fusion centers will improve the security of localities in States only if the information being provided through such liaison officers is timely and relevant.

Finally, I am concerned that DHS continues to flounder in its efforts to prioritize its science and technology needs.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. ROSS). All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 1684

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 ''Department of Homeland Security Authorization Act for Fiscal Year 2008''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

Sec. 101. Department of Homeland Security.

TITLE II—POLICY AND MANAGEMENT IMPROVEMENTS

Sec. 201. Establishment of Directorate for Policy.
Sec. 202. Direct line authority for Chief Operating Officers.
Sec. 203. Comprehensive Homeland Security Review.
Sec. 204. Qualifications for the Under Secretary for Management.
Sec. 205. Sense of Congress regarding consolidation of Department headquarters.
Sec. 206. Required budget line item for office of counternarcotics enforcement.
Sec. 207. Designation of Office of Counternarcotics Enforcement as primary Department counternarcotics enforcement representative.
Sec. 208. Granting line authority to the Assistant Secretary for Legislative Affairs.

TITLE III—OVERSIGHT IMPROVEMENTS

Sec. 301. Secure border initiative financial accountability.
Sec. 302. Authorization Liaison Officer.
Sec. 303. Office of the Inspector General.
Sec. 304. Congressional notification requirement.
Sec. 305. Sense of Congress regarding oversight of homeland security.

TITLE IV—PROCUREMENT POLICY AND RESOURCES IMPROVEMENTS

Sec. 401. Homeland security procurement training.
Sec. 402. Authority to appoint and maintain a cadre of Federal annuitants for procurement offices.
Sec. 403. Additional requirement to review past performance of contractors.
Sec. 404. Requirement to disclose foreign ownership or control of contractors and subcontractors.
Sec. 405. Integrity in contracting.
Sec. 406. Small business utilization report.
Sec. 407. Requirement that uniforms, protective gear, badges, and identification cards of Homeland Security personnel be manufactured in the United States.
Sec. 408. Department of Homeland Security Mentor-Protégé Program.
Sec. 409. Prohibition on award of contracts and grants to educational institutions not supporting Coast Guard efforts.
Sec. 410. Report on source of shortfalls at Federal Protective Service.

TITLE V—WORKFORCE AND TRAINING IMPROVEMENTS

Sec. 501. Customs and Border Protection Officer pay equity.
Sec. 502. Plan to improve representation of minorities in various categories of employment.
Sec. 503. Continuation of authority for Federal law enforcement training center to appoint and maintain a cadre of Federal annuitants.
Sec. 504. Authority to appoint and maintain a cadre of Federal annuitants for Customs and Border Protection.
Sec. 505. Strengthening Border Patrol recruitment and retention.
Sec. 506. Limitation on reimbursements relating to certain detailees.
Sec. 507. Integrity in post-employment.
Sec. 508. Increased security screening of Homeland Security Officials.
Sec. 509. Authorities of Chief Security Officer.
Sec. 510. Departmental culture improvement.
Sec. 511. Homeland security education program enhancements.
Sec. 512. Repeal of chapter 97 of title 5, United States Code.
Sec. 513. Utilization of non-law enforcement Federal employees as instructors for non-law enforcement classes at the Border Patrol Training Academy.

TITLE VI—BIOPREPAREDNESS IMPROVEMENTS

Sec. 601. Chief Medical Officer and Office of Health Affairs.
Sec. 602. Improving the material threats process.
Sec. 603. Study on national biodefense training.
Sec. 604. National Biosurveillance Integration Center.
Sec. 605. Risk analysis process and integrated CBRN risk assessment.
Sec. 606. National Bio and Agro-defense Facility.

TITLE VII—HOMELAND SECURITY CYBERSECURITY IMPROVEMENTS

Sec. 701. Cybersecurity and Communications.
Sec. 702. Cybersecurity research and development.

TITLE VIII—SCIENCE AND TECHNOLOGY IMPROVEMENTS

Sec. 801. Report to Congress on strategic plan.
Sec. 802. Centers of Excellence Program.
Sec. 803. National research council study of university programs.
Sec. 804. Streamlining of SAFETY Act and antiterrorism technology procurement processes.
Sec. 805. Promoting antiterrorism through International Cooperation Act.

TITLE IX—BORDER SECURITY IMPROVEMENTS

Sec. 901. US–VISIT.
Sec. 902. Shadow Wolves program.
Sec. 903. Cost-effective training for border patrol agents.
Sec. 904. Student and Exchange Visitor Program.
Sec. 905. Assessment of resources necessary to reduce crossing times at land ports of entry.
Sec. 906. Biometric identification of unauthorized aliens.
Sec. 907. Report by Government Accountability Office regarding policies and procedures of the Border Patrol.

TITLE X—INFORMATION SHARING IMPROVEMENTS

Sec. 1001. State and local fusion center program.
Sec. 1002. Fusion Center Privacy and Civil Liberties Training Program.
Sec. 1003. Authority to appoint and maintain a cadre of Federal annuitants for the Office of Information Analysis.

TITLE XI—MISCELLANEOUS PROVISIONS

Sec. 1101. Eligible uses for interoperability grants.
Sec. 1102. Rural homeland security training initiative.
Sec. 1103. Critical infrastructure study.
Sec. 1104. Terrorist watch list and immigration status review at high-risk critical infrastructure.
Sec. 1105. Authorized use of surplus military vehicles.
Sec. 1106. Computer capabilities to support real-time incident management.
Sec. 1107. Expenditure reports as a condition of homeland security grants.
Sec. 1108. Encouraging use of computerized training aids.
Sec. 1109. Protection of name, initials, insignia, and departmental seal.
Sec. 1110. Report on United States Secret Service approach to sharing unclassified, law enforcement sensitive information with Federal, State, and local partners.
Sec. 1111. Report on United States Secret Service James J. Rowley Training Center.
Sec. 1112. Metropolitan Medical Response System Program.
Sec. 1113. Identity fraud prevention grant program.
Sec. 1114. Technical corrections.
Sec. 1115. Citizen Corps.

Sec. 1116. Report regarding Department of Homeland Security implementation of Comptroller General and Inspector General recommendations regarding protection of agriculture.
Sec. 1117. Report regarding levee system.
Sec. 1118. Report on Force Multiplier Program.
Sec. 1119. Eligibility of State judicial facilities for State homeland security grants.
Sec. 1120. Authorization of Homeland Security Functions of the United States Secret Service.
Sec. 1121. Data sharing.

TITLE XII—MARITIME ALIEN SMUGGLING

Sec. 1201. Short title.
Sec. 1202. Congressional declaration of findings.
Sec. 1203. Definitions.
Sec. 1204. Maritime alien smuggling.
Sec. 1205. Seizure or forfeiture of property.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

SEC. 101. DEPARTMENT OF HOMELAND SECURITY.

There is authorized to be appropriated to the Secretary of Homeland Security for the necessary expenses of the Department of Homeland Security for fiscal year 2008, $39,863,000,000.

TITLE II—POLICY AND MANAGEMENT IMPROVEMENTS

SEC. 201. ESTABLISHMENT OF DIRECTORATE FOR POLICY.

(a) IN GENERAL.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by striking sections 401 through 403 and inserting the following:

"SEC. 401. DIRECTORATE FOR POLICY.

''(a) ESTABLISHMENT.—There is in the Department a Directorate for Policy. The Directorate for Policy shall contain each of the following:

''(1) The Office of the Private Sector, which shall be administered by an Assistant Secretary for the Private Sector.

''(2) The Victim Assistance Officer.

''(3) The Tribal Security Officer.

''(4) The Border Community Liaison Officer.

''(5) Such other offices as considered necessary by the Under Secretary for Policy.

''(b) UNDER SECRETARY FOR POLICY.—

''(1) IN GENERAL.—The head of the Directorate is the Under Secretary for Policy, who shall be appointed by the President, with the advice and consent of the Senate.

''(2) QUALIFICATIONS.—No individual shall be appointed to the position of Under Secretary for Policy under paragraph (1) unless the individual has, by education and experience, demonstrated knowledge, ability, and skill in the fields of policy and strategic planning.

''(3) RESPONSIBILITIES.—Subject to the direction and control of the Secretary, the responsibilities of the Under Secretary for Policy shall be as follows:

''(A) To serve as the principal policy advisor to the Secretary.

''(B) To provide overall direction and supervision of policy development for the programs, offices, and activities of the Department.

''(C) To ensure that the budget of the Department (including the development of future year budgets and interaction with the Office of Management and Budget and with Congress) is compatible with the statutory and regulatory responsibilities of the Department and with the Secretary's priorities, strategic plans, and policies.

''(D) To conduct long-range, strategic planning for the Department, including overseeing the Comprehensive Homeland Security Review established in section 203.

''(E) To carry out such other responsibilities as the Secretary may determine are appropriate.''.

(b) ENSURING CONSIDERATION OF THE NEEDS OF CHILDREN.—

(1) IN GENERAL.—The Under Secretary for Policy of the Department of Homeland Security, acting through the Assistant Secretary for the Office of Policy and Development, shall ensure that all departmental policies, programs, and activities appropriately consider the needs of and impact upon children.

(2) SPECIFIC FUNCTIONS.—The Under Secretary for Policy shall—

(A) coordinate with other Federal Departments and agencies to ensure that the needs of children, schools, and other child-centered facilities are sufficiently understood and incorporated into Federal, State, local, and tribal preparedness, response, and recovery plans and activities for terrorist attacks, major disasters, and other emergencies (including those involving chemical, biological, radiological, nuclear, or other explosive weapons), or other manmade disasters;

(B) coordinate with the Office of Grants within the Federal Emergency Management Agency to monitor the use of homeland securtity grants by State, local, or tribal agencies to support emergency preparedness activities for children, schools, and other child-centered facilities, and make recommendations to improve the effectiveness of such funding;

(C) review public awareness programs and screening policies by departmental entities, including security screening at airports, and ensure that such policies consider the needs and well-being of children; and

(D) ensure that all other departmental activities that affect children include consideration of the needs of children and that relevant agencies of the Department coordinate on this matter where appropriate.

(3) REPORT TO CONGRESS.—One year after the date of the enactment of this subsection and on an annual basis thereafter, the Under Secretary for Policy shall report to the Committee on Homeland Security of the House of Representatives and to the Committee on Homeland Security and Governmental Affairs of the Senate on activities undertaken pursuant to this subsection and the resulting improvement in security for children, schools, and other child-centered facilities.

(c) CONFORMING AMENDMENTS.—Such Act is further amended—

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

"TITLE IV—DIRECTORATE FOR POLICY";

(2) by striking the heading for subtitle A of title IV and inserting the following:

"Subtitle A—Under Secretary for Policy";

(3) in section 103(a)(3), by striking ''for Border and Transportation Security'' and inserting ''for Policy'';

(4) in section 102(f)(9), by striking ''the Directorate of Border and Transportation Security'' and inserting ''United States Customs and Border Protection'';

(5) in section 411(a), by striking ''under the authority of the Under Secretary for Border and Transportation Security,'';

(6) in section 430—

(A) in subsection (a)—

(i) by striking ''The'' and inserting ''There is in the Department an''; and

(ii) by striking ''shall be'' and all that follows through ''Security'';

(B) in subsection (b), by striking the second sentence; and

(C) by striking subsection (d).

(7) in section 441, by striking ''Under Secretary for Border and Transportation Security'' and inserting ''Secretary'';

(8) in section 442(a)—

(A) in paragraph (2), by striking ''who—'' and all that follows through ''(B) shall'' and inserting ''who shall''; and

(B) in paragraph (3)—

(i) in subparagraph (A), by striking ''Under Secretary for Border and Transportation Security'' each place it appears and inserting ''Secretary''; and

(ii) in subparagraph (C), by striking ''Border and Transportation Security'' and inserting ''Policy'';

(9) in section 443, by striking ''The Under Secretary for Border and Transportation Security'' and inserting ''Subject to the direction and control of the Secretary, the Deputy Secretary'';

(10) in section 444, by striking ''The Under Secretary for Border and Transportation Security'' and inserting ''Subject to the direction and control of the Secretary, the Deputy Secretary'';

(11) in section 472(e), by striking ''or the Under Secretary for Border and Transportation Security''; and

(12) in section 878(e), by striking ''the Directorate of Border and Transportation Security'' and inserting ''United States Customs and Border Protection, Immigration and Customs Enforcement''.

(d) CLERICAL AMENDMENTS.—The table of contents in section 1(b) of such Act is amended—

(1) by striking the item relating to title IV and inserting the following:

''TITLE IV—DIRECTORATE FOR POLICY'';

and

(2) by striking the items relating to subtitle A of title IV and inserting the following:

''Subtitle A—Under Secretary for Policy

''Sec. 401. Directorate for Policy.''.

SEC. 202. DIRECT LINE AUTHORITY FOR CHIEF OPERATING OFFICERS.

(a) IN GENERAL.—Title VII of the Homeland Security Act of 2002 (6 U.S.C. 341 et seq.) is amended by adding at the end the following new section:

"SEC. 707. CHIEF OPERATING OFFICERS.

''(a) IN GENERAL.—The Chief Operating Officers of the Department include the following officials of the Department:

''(1) The Chief Financial Officer.

''(2) The Chief Procurement Officer.

''(3) The Chief Information Officer.

''(4) The Chief Human Capital Officer.

''(5) The Chief Administrative Officer.

''(6) The Chief Security Officer.

''(b) DELEGATION.—The Secretary shall delegate to each Chief Operating Officer direct authority over that Officer's counterparts in component agencies to ensure that the component agencies adhere to the laws, rules, regulations, and departmental policies for which such Officer is responsible for implementing. In coordination with the head of the relevant component agency, such authorities shall include, with respect to the Officer's counterparts within component agencies of the Department, the following:

''(1) The authority to direct the activities of personnel.

''(2) The authority to direct planning, operations, and training.

''(3) The authority to direct the budget and other financial resources.

''(c) COORDINATION WITH HEADS OF COMPONENT AGENCIES.—In reporting to a Chief Operating Officer of the Department as required under subsection (b), a Chief Operating Officer of a component agency shall coordinate with the head of that component agency.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 706 the following:

''Sec. 707. Chief Operating Officers.''.

SEC. 203. COMPREHENSIVE HOMELAND SECURITY REVIEW.

(a) COMPREHENSIVE HOMELAND SECURITY REVIEW.—Subtitle A of title IV of the Homeland Security Act of 2002 is further amended by adding at the end the following:

"SEC. 402. COMPREHENSIVE HOMELAND SECURITY REVIEW.

''(a) REQUIREMENT TO CONDUCT REVIEWS.—The Secretary, acting through the Under Secretary for Policy, shall conduct a comprehensive

examination of the Department, to be known as the Comprehensive Homeland Security Review. The Secretary shall conduct the first such review in fiscal year 2009, and shall conduct a subsequent review in the first fiscal year in which there begins the first presidential term of a new presidential administration.

''(b) PURPOSE OF REVIEW.—In each Comprehensive Homeland Security Review, the Secretary shall—

''(1) include a Department of Homeland Security Strategy that is consistent with the most recent National Strategy for Homeland Security prescribed by the President;

''(2) define sufficient personnel and appropriate organizational structure and other requirements necessary for the successful execution of the full range of missions called for in the Department of Homeland Security Strategy; and

''(3) identify a budget plan, acquisition strategy, procurement process, and any other resources, that are necessary to provide sufficient resources for the successful execution of the full range of missions called for in the Department of Homeland Security Strategy.

''(c) CONDUCT OF REVIEW.—

''(1) CONSULTATION REQUIRED.—The Secretary shall conduct each review required under subsection (a) in consultation with key officials of the Department, including the Assistant Secretary of the Transportation Security Administration, the Commissioner of United States Customs and Border Protection, the Director of United States Citizenship and Immigration Services, the Assistant Secretary for Immigration and Customs Enforcement, the Director of the United States Secret Service, the Administrator of the Federal Emergency Management Agency, the Director of the Federal Law Enforcement Training Center, and the Commandant of the Coast Guard.

''(2) RELATIONSHIP WITH FUTURE YEARS HOMELAND SECURITY PROGRAM.—The Secretary shall ensure that each review conducted under this section is consistent with the Future Years Homeland Security Program required under section 874.

''(d) REPORT TO CONGRESS AND THE PRESIDENT.—

''(1) REPORT.—The Secretary shall submit to the Committee on Homeland Security of the House of Representatives, to the Committee on Homeland Security and Governmental Affairs of the Senate, and to the President a report on each Comprehensive Homeland Security Review. Each such report shall be submitted during the fiscal year following the fiscal year in which the review is conducted, but not later than the date on which the President submits to Congress the budget under section 1105(a) of title 31, United States Code, for the fiscal year following the fiscal year in which the report is to be submitted.

''(2) CONTENTS.—Each such report shall include the following, with a focus on reducing and managing risk and in preparing for, mitigating against, responding to, and recovering from terrorist attacks, major disasters, and other emergencies:

''(A) A comprehensive assessment of the level of alignment between the Department of Homeland Security Strategy and the human resources, infrastructure, assets, and organizational structure of the Department.

''(B) An explanation of any and all underlying assumptions used in conducting the Review.

''(C) The human resources requirements and response capabilities of the Department as they relate to the risks of terrorist attacks, major disasters, and other emergencies.

''(D) The strategic and tactical air, border sea, and land capabilities and requirements to support the Department of Homeland Security Strategy.

''(E) The nature and appropriateness of homeland security operational capabilities, including operational scientific and technical resources and capabilities and the anticipated effects on the human resources capabilities, costs, efficiencies, resources, and planning of the Department of any technology or operational capabilities anticipated to be available during the years subsequent to the Review.

''(F) Any other matter the Secretary considers appropriate to include in the Review.

''(3) DEADLINE FOR INITIAL REPORT.—Notwithstanding paragraph (1), the Secretary shall submit the first Report required under subsection (a) not later than September 30, 2010.

''(e) PREPARATIONS FOR FISCAL YEAR 2008 REVIEW.—In fiscal year 2008, the Under Secretary for Policy shall make all preparations for the conduct of the first Comprehensive Homeland Security Review in fiscal year 2009, including—

''(1) determining the tasks to be performed;

''(2) estimating the human, financial, and other resources required to perform each task;

''(3) establishing the schedule for the execution of all project tasks;

''(4) ensuring that these resources will be available as needed; and

''(5) all other preparations considered necessary by the Under Secretary.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 401 the following:

''Sec. 402. Comprehensive Homeland Security Review.''.

SEC. 204. QUALIFICATIONS FOR THE UNDER SECRETARY FOR MANAGEMENT.

(a) QUALIFICATIONS.—Section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341) is amended by adding at the end the following:

''(c) QUALIFICATIONS.—The Under Secretary for Management shall have all of the following qualifications:

''(1) Extensive executive level leadership and management experience in the public or private sector.

''(2) Strong leadership skills.

''(3) A demonstrated ability to manage large and complex organizations.

''(4) A proven record of achieving positive operational results.''.

(b) DEADLINE FOR APPOINTMENT; INCUMBENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall name an individual who meets the qualifications of section 701 of the Homeland Security Act (6 U.S.C. 341), as amended by subsection (a), to serve as the Under Secretary for Management. The Secretary may submit the name of the individual who serves in the position of Under Secretary for Management of the Department of Homeland Security on the date of enactment of this Act together with a statement the informs the Congress that the individual meets the qualifications of such section as so amended.

SEC. 205. SENSE OF CONGRESS REGARDING CONSOLIDATION OF DEPARTMENT HEADQUARTERS.

(a) FINDINGS.—Congress finds that—

(1) the Department of Homeland Security and its component headquarters facilities are currently scattered widely throughout the National Capital Region (NCR);

(2) this geographic dispersal disrupts the Department's ability to operate in an efficient manner, and could impair its ability to prevent, deter, prepare for, and respond to a terrorist attack, major disaster, or other emergencies;

(3) the Government Accountability Office continues to list ''Implementing and Transforming the Department of Homeland Security'' on its ''High Risk list'';

(4) consolidating the Department's headquarters and component facilities, to the greatest extent practicable, would be an important step in facilitating the transformation and integration of the Department; and

(5) the President has provided funding for Department consolidation in the fiscal year 2008 budget, and has determined that the only site under the control of the Federal Government and in the NCR with the size, capacity, and security features to meet the Department of Homeland Security's minimum consolidation needs as identified in the Department of Homeland Security NCR Housing Master Plan submitted to Congress on October 24, 2006, is the West Campus of St. Elizabeths Hospital in the District of Columbia.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the consolidation of the Department and its key component headquarters on the West Campus of St. Elizabeths Hospital, to the maximum extent practicable consistent with the Department's Housing Plan as submitted to Congress in October 2006, should move forward as expeditiously as possible with all the agencies involved in this effort bearing those costs for which they are responsible.

SEC. 206. REQUIRED BUDGET LINE ITEM FOR OFFICE OF COUNTERNARCOTICS ENFORCEMENT.

In each fiscal year budget request for the Department of Homeland Security, the Secretary of Homeland Security shall include a separate line item for the fiscal year for expenditures by the Office of Counternarcotics Enforcement of the Department of Homeland Security.

SEC. 207. DESIGNATION OF OFFICE OF COUNTERNARCOTICS ENFORCEMENT AS PRIMARY DEPARTMENT COUNTERNARCOTICS ENFORCEMENT REPRESENTATIVE.

Section 878(d)(5) of the Homeland Security Act of 2002 (6 U.S.C. 458(d)(5)) is amended by striking ''to be a representative'' and inserting ''to be the primary representative''.

SEC. 208. GRANTING LINE AUTHORITY TO THE ASSISTANT SECRETARY FOR LEGISLATIVE AFFAIRS.

Section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341) is further amended by adding at the end the following:

''(d) AUTHORITY OF THE ASSISTANT SECRETARY FOR LEGISLATIVE AFFAIRS OVER DEPARTMENTAL COUNTERPARTS.—

''(1) IN GENERAL.—The Secretary for the Department shall ensure that the Assistant Secretary for Legislative Affairs has adequate authority over his or her respective counterparts in component agencies of the Department to ensure that such component agencies adhere to the laws, rules, regulations, and departmental policies that the Assistant Secretary for Legislative Affairs is responsible for implementing.

''(2) INCLUDED AUTHORITIES.—The authorities of the Assistant Secretary for Legislative Affairs shall include, with respect to the counterparts in component agencies of the Department, the following:

''(A) The authority to direct the activities of personnel responsible for any of the following:

''(i) Making recommendations regarding the hiring, termination, and reassignment of individuals.

''(ii) Developing performance measures.

''(iii) Submitting written performance evaluations during the performance evaluation process that shall be considered in performance reviews, including recommendations for bonuses, pay raises, and promotions.

''(iv) Withholding funds from the relevant component agency that would otherwise be available for a particular purpose until the relevant component agency complies with the directions of the Assistant Secretary for Legislative Affairs or makes substantial progress towards meeting the specified goal.

''(B) The authority to direct planning, operations, and training.

''(C) The authority to direct the budget and other financial resources.''.

TITLE III—OVERSIGHT IMPROVEMENTS

SEC. 301. SECURE BORDER INITIATIVE FINANCIAL ACCOUNTABILITY.

(a) IN GENERAL.—The Inspector General of the Department of Homeland Security shall review each contract action related to the Department's Secure Border Initiative having a value greater than $20,000,000, to determine whether each such action fully complies with applicable cost requirements, performance objectives, program milestones, inclusion of small, minority, and women-owned business, and timelines. The Inspector General shall complete a review under this subsection with respect to a contract action—

(1) not later than 60 days after the date of the initiation of the action; and

(2) upon the conclusion of the performance of the contract.

(b) REPORT BY INSPECTOR GENERAL.—Upon completion of each review required under subsection (a), the Inspector General shall submit to the Secretary of Homeland Security a report containing the findings of the review, including findings regarding any cost overruns, significant delays in contract execution, lack of rigorous departmental contract management, insufficient departmental financial oversight, bundling that limits the ability of small business to compete, or other high risk business practices.

(c) REPORT BY SECRETARY.—Not later than 30 days after the receipt of each report required under subsection (b), the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the findings of the report by the Inspector General and the steps the Secretary has taken, or plans to take, to address the findings in such report.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the Office of the Inspector General of the Department of Homeland Security to carry out enhanced oversight of the Secure Border Initiative—

(1) for fiscal year 2008, of the amount authorized by section 101 and in addition to the amount authorized by section 303, $5,500,000;

(2) for fiscal year 2009, at least 6 percent of the overall budget of the Office for that fiscal year; and

(3) for fiscal year 2010, at least 7 percent of the overall budget of the Office for that fiscal year.

(e) ACTION BY INSPECTOR GENERAL.—In the event the Inspector General becomes aware of any improper conduct or wrongdoing in accordance with the contract review required under subsection (a), the Inspector General shall, as expeditiously as practicable, refer to the Secretary of Homeland Security or other appropriate official in the Department of Homeland Security information related to such improper conduct or wrongdoing for purposes of evaluating whether to suspend or debar the contractor.

SEC. 302. AUTHORIZATION LIAISON OFFICER.

Section 702 of the Homeland Security Act of 2002 (6 U.S.C. 342) is amended by adding at the end the following:

''(d) AUTHORIZATION LIAISON OFFICER.—

''(1) IN GENERAL.—The Chief Financial Officer shall establish the position of Authorization Liaison Officer to provide timely budget and other financial information to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate. The Authorization Liaison Officer shall report directly to the Chief Financial Officer.

''(2) SUBMISSION OF REPORTS TO CONGRESS.—The Authorization Liaison Officer shall coordinate with the Appropriations Liaison Officer within the Office of the Chief Financial Officer to ensure, to the greatest extent possible, that all reports prepared for the Committees on Appropriations of the House of Representatives and the Senate are submitted concurrently to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.''.

SEC. 303. OFFICE OF THE INSPECTOR GENERAL.

Of the amount authorized by section 101, there is authorized to be appropriated to the Secretary of Homeland Security $108,500,000 for fiscal year 2008 for operations of the Office of the Inspector General of the Department of Homeland Security.

SEC. 304. CONGRESSIONAL NOTIFICATION REQUIREMENT.

(a) IN GENERAL.—Title I of the Homeland Security Act of 2002 (6 U.S.C. 111 et seq.) is amended by adding at the end the following:

''SEC. 104. CONGRESSIONAL NOTIFICATION.

''(a) IN GENERAL.—The Secretary shall actively consult with the congressional homeland security committees, and shall keep such committees fully and currently informed with respect to all activities and responsibilities within the jurisdictions of these committees.

''(b) RELATIONSHIP TO OTHER LAW.—Nothing in this section affects the requirements of section 872. The requirements of this section supplement, and do not replace, the requirements of that section.

''(c) CLASSIFIED NOTIFICATION.—The Secretary may submit any information required by this section in classified form if the information is classified pursuant to applicable national security standards.

''(d) SAVINGS CLAUSE.—This section shall not be construed to limit or otherwise affect the congressional notification requirements of title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), insofar as they apply to the Department.

''(e) DEFINITION.—As used in this section, the term 'congressional homeland security committees' means the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate.''.

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to such title the following:

''Sec. 104. Congressional notification.''.

(c) COAST GUARD MISSION REVIEW REPORT.—Section 888(f)(2) of the Homeland Security Act of 2002 (6 U.S.C. 468(f)(2)) is amended—

(1) by redesignating subparagraphs (B) through (E) as subparagraphs (C) through (F) respectively; and

(2) by striking subparagraph (A) and inserting the following:

''(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

''(B) the Committee on Homeland Security of the House of Representatives;''.

SEC. 305. SENSE OF CONGRESS REGARDING OVERSIGHT OF HOMELAND SECURITY.

It is the sense of the Congress that the House of Representatives and the Senate should implement the recommendation of the National Commission on Terrorist Attacks Upon the United States to designate a committee in each body to serve as the single, principal point of oversight and review for homeland security and to authorize the activities of the Department of Homeland Security.

TITLE IV—PROCUREMENT POLICY AND RESOURCES IMPROVEMENTS

SEC. 401. HOMELAND SECURITY PROCUREMENT TRAINING.

(a) IN GENERAL.—Subtitle D of title VIII of the Homeland Security Act of 2002 is amended by adding at the end the following new section:

''SEC. 836. HOMELAND SECURITY PROCUREMENT TRAINING.

''(a) PROVISION OF TRAINING.—The Chief Procurement Officer shall provide homeland security procurement training to acquisition employees.

''(b) RESPONSIBILITIES OF CHIEF PROCUREMENT OFFICER.—The Chief Procurement Officer shall carry out the following responsibilities:

''(1) Establish objectives to achieve the efficient and effective use of available acquisition resources by coordinating the acquisition education and training programs of the Department and tailoring them to support the careers of acquisition employees.

''(2) Develop, in consultation with the Council on Procurement Training established under subsection (d), the curriculum of the homeland security procurement training to be provided.

''(3) Establish, in consultation with the Council on Procurement Training, training standards, requirements, and courses to be required for acquisition employees.

''(4) Establish an appropriate centralized mechanism to control the allocation of resources for conducting such required courses and other training and education.

''(5) Select course providers and certify courses to ensure that the procurement training curriculum supports a coherent framework for the educational development of acquisition employees, including the provision of basic, intermediate, and advanced courses.

''(6) Publish an annual catalog that includes a list of the acquisition education and training courses.

''(7) Develop a system of maintaining records of student enrollment, and other data related to students and courses conducted pursuant to this section.

''(c) ELIGIBILITY FOR TRAINING.—An acquisition employee of any entity under subsection (d)(3) may receive training provided under this section. The appropriate member of the Council on Procurement Training may direct such an employee to receive procurement training.

''(d) COUNCIL ON PROCUREMENT TRAINING.—

''(1) ESTABLISHMENT.—The Secretary shall establish a Council on Procurement Training to advise and make policy and curriculum recommendations to the Chief Procurement Officer.

''(2) CHAIR OF COUNCIL.—The chair of the Council on Procurement Training shall be the Deputy Chief Procurement Officer.

''(3) MEMBERS.—The members of the Council on Procurement Training are the chief procurement officers of each of the following:

''(A) United States Customs and Border Protection.

''(B) The Transportation Security Administration.

''(C) The Office of Procurement Operations.

''(D) The Bureau of Immigration and Customs Enforcement.

''(E) The Federal Emergency Management Agency.

''(F) The Coast Guard.

''(G) The Federal Law Enforcement Training Center.

''(H) The United States Secret Service.

''(I) Such other entity as the Secretary determines appropriate.

''(e) ACQUISITION EMPLOYEE DEFINED.—For purposes of this section, the term 'acquisition employee' means an employee serving under a career or career-conditional appointment in the competitive service or appointment of equivalent tenure in the excepted service of the Federal Government, at least 50 percent of whose assigned duties include acquisitions, procurement-related program management, or procurement-related oversight functions.

''(f) REPORT REQUIRED.—Not later than March 1 of each year, the Chief Procurement Officer shall submit to the Secretary a report on the procurement training provided under this section, which shall include information about student enrollment, students who enroll but do

not attend courses, graduates, certifications, and other relevant information.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to such subtitle the following:

''Sec. 836. Homeland security procurement training.''.

SEC. 402. AUTHORITY TO APPOINT AND MAINTAIN A CADRE OF FEDERAL ANNUITANTS FOR PROCUREMENT OFFICES.

(a) DEFINITIONS.—For purposes of this section—

(1) the term ''procurement office'' means the Office of Procurement Operations and any other procurement office within any agency or other component of the Department;

(2) the term ''annuitant'' means an annuitant under a Government retirement system;

(3) the term ''Government retirement system'' has the meaning given such term by section 501(a); and

(4) the term ''employee'' has the meaning given such term by section 2105 of title 5, United States Code.

(b) APPOINTMENT AUTHORITY.—The Secretary (acting through the Chief Procurement Officer) may, for the purpose of supporting the Department's acquisition capabilities and enhancing contract management throughout the Department, appoint annuitants to positions in procurement offices in accordance with succeeding provisions of this section.

(c) NONCOMPETITIVE PROCEDURES; EXEMPTION FROM OFFSET.—An appointment made under subsection (b) shall not be subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and any annuitant serving pursuant to such an appointment shall be exempt from sections 8344 and 8468 of such title 5 (relating to annuities and pay on reemployment) and any other similar provision of law under a Government retirement system.

(d) LIMITATIONS.—No appointment under subsection (b) may be made if such appointment would result in the displacement of any employee or would cause the total number of positions filled by annuitants appointed under such subsection to exceed 250 as of any time (determined on a full-time equivalent basis).

(e) RULE OF CONSTRUCTION.—An annuitant as to whom an exemption under subsection (c) is in effect shall not be considered an employee for purposes of any Government retirement system.

(f) TERMINATION.—Upon the expiration of the 5-year period beginning on the date of the enactment of this Act—

(1) any authority to make appointments under subsection (b) shall cease to be available; and

(2) all exemptions under subsection (c) shall cease to be effective.

SEC. 403. ADDITIONAL REQUIREMENT TO REVIEW PAST PERFORMANCE OF CONTRACTORS.

(a) IN GENERAL.—Such subtitle is further amended by adding at the end the following new section:

''SEC. 837. REVIEW OF CONTRACTOR PAST PERFORMANCE.

''(a) CONSIDERATION OF CONTRACTOR PAST PERFORMANCE.—In awarding a contract to a contractor, the Secretary shall consider the past performance of that contractor based on the review conducted under subsection (b).

''(b) REVIEW REQUIRED.—Before awarding to a contractor (including a contractor that has previously provided goods or services to the Department) a contract to provide goods or services to the Department, the Secretary, acting through the appropriate contracting officer of the Department, shall require the contractor to submit information regarding the contractor's performance of Federal, State, and local government and private sector contracts.

''(c) CONTACT OF RELEVANT OFFICIALS.—As part of any review of a contractor conducted under subsection (b), the Secretary, acting through an appropriate contracting officer of the Department, shall contact the relevant official who administered or oversaw each contract performed by that contractor during the five-year period preceding the date on which the review begins.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to such subtitle the following:

''Sec. 837. Review of contractor past performance.''.

SEC. 404. REQUIREMENT TO DISCLOSE FOREIGN OWNERSHIP OR CONTROL OF CONTRACTORS AND SUBCONTRACTORS.

(a) COMPLIANCE WITH BUY AMERICAN ACT.—With respect to any procurement of goods or services by the Department of Homeland Security, the Chief Procurement Officer of the Department shall conduct an independent review of the procurement to ensure that it complies with all relevant provisions of the Buy American Act (41 U.S.C. 10a et seq.).

(b) FOREIGN OWNERSHIP OR CONTROL OF CONTRACTORS AND SUBCONTRACTORS.—

(1) DISCLOSURE OF INFORMATION.—With respect to any procurement of goods or services by the Department of Homeland Security, the Secretary of Homeland Security shall require an offeror or prospective offeror to disclose whether the offeror or any prospective subcontractor (at any tier) is owned or controlled by a foreign person. The Secretary shall require all offerors, prospective offerors, and contractors to update the disclosure at any time before award of the contract or during performance of the contract, if the information provided becomes incorrect because of a change of ownership, a change in subcontractors, or for any other reason.

(2) FOREIGN OWNERSHIP OR CONTROL.—In this subsection:

(A) The term ''owned or controlled by a foreign person'', with respect to an offeror, contractor, or subcontractor, means that a foreign person owns or controls, directly or indirectly, 50 percent or more of the voting stock or other ownership interest in the offeror, contractor, or subcontractor.

(B) The term ''foreign person'' means any of the following:

(i) A foreign government.

(ii) A corporation organized under the laws of a foreign country.

(iii) An individual who is not a citizen of the United States.

(3) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall promulgate regulations to carry out this subsection.

SEC. 405. INTEGRITY IN CONTRACTING.

(a) IN GENERAL.—Subtitle D of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 391 et seq.) is further amended by adding at the end the following:

''SEC. 838. INTEGRITY IN CONTRACTING.

''(a) ATTESTATION REQUIRED.—The Secretary shall require any offeror for any contract to provide goods or services to the Department to submit as part of the offeror's bid for such contract an attestation that affirmatively discloses any substantial role the offeror, the employees of the offeror, or any corporate parent or subsidiary of the offeror may have played in creating a solicitation, request for proposal, statement of work, or statement of objectives (as those terms are defined in the Federal Acquisition Regulation) for the Department.

''(b) ADDITIONAL REQUIREMENTS FOR CERTAIN OFFERORS.—If an offeror submits an attestation under subsection (a) that discloses that the offeror, an employee of the offeror, or any corporate parent or subsidiary of the offeror played a substantial role in creating a solicitation, request for proposal, statement of work, or statement of objectives for the Department, the Secretary shall require the offeror to submit to the Secretary a description of the safeguards used to ensure that precautions were in place to prevent the offeror from receiving information through such role that could be used to provide the offeror an undue advantage in submitting an offer for a contract.

''(c) CERTIFICATION REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary shall require any offeror for any contract to provide goods or services to the Department to submit to the Secretary as part of the offeror's bid for such contract a certification in writing whether, as of the date on which the certification is submitted, the offeror—

''(A) is in default on any payment of any tax to the Federal Government; or

''(B) owes the Federal Government for any payment of any delinquent tax.

''(2) FAILURE OF CERTIFICATION.—Nothing in this section shall prevent the Department from awarding a contract to an offeror based solely on the offeror's certification.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is further amended by adding at the end of the items relating to such subtitle the following:

''Sec. 838. Integrity in contracting.''.

SEC. 406. SMALL BUSINESS UTILIZATION REPORT.

(a) REPORT.—Not later than 360 days after the date of the enactment of this Act, the Chief Procurement Officer of the Department of Homeland Security shall submit to the Secretary of Homeland Security, the Committee on Homeland Security of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate a report that—

(1) identifies each component of the Department for which the aggregate value of contracts awarded in fiscal year 2006 by the component to qualified HUBZone small business concerns and small business concerns owned and controlled by service-disabled veterans was less than 3 percent of the total value of all contracts awarded under the component for that fiscal year; and

(2) identifies each component of the Department for which the aggregate value of contracts awarded in fiscal year 2006 by the component to socially or economically disadvantaged small business concerns, including 8(a) small business concerns, and small business concerns owned and controlled by women was less than 5 percent of the total value of all contracts awarded by the component for that fiscal year.

(b) ACTION PLAN.—

(1) ACTION PLAN REQUIRED.—Not later than 90 days after the date of the submission of the report required under subsection (a), the Chief Procurement Officer, in consultation with Office of Small and Disadvantaged Businesses Utilization of the Department, shall for each component identified under subsection (a)(1) and (a)(2), develop, submit to the Committees referred to in subsection (a), and begin implementing an action plan for achieving the objective described in subsection (b)(2). An action plan is not required if the component meets or exceeds the objective described in subsection (b)(2).

(2) IDENTIFICATION OF BARRIERS.—Each action plan shall identify and describe any barriers to achieving the objectives of awarding by the component, for a fiscal year, contracts having an aggregate value of at least 3 percent of the total value of all contracts awarded by the component for the fiscal year to small business concerns identified under subsection (a)(1) and 5 percent of the total value of all contracts awarded by the component for the fiscal year to small business concerns identified under subsection (a)(2).

(3) PERFORMANCE MEASURES AND TIMETABLE.—Each action plan submitted under paragraph (1) shall include performance measures and a timetable for compliance and achievement of the objectives described in paragraph (2).

(c) PRIORITY CONSIDERATION.—

(1) IN GENERAL.—The Chief Procurement Officer may give priority consideration to small business concerns for all open market procurements exceeding the simplified acquisition threshold prior to initiating full and open, or unrestricted, competition.

(2) ORDER OF PRIORITY.—In proceeding with priority consideration under paragraph (1), the Chief Procurement Officer shall consider contracting proposals in the following order:

(A) Proposals submitted by 8(a) small business concerns or HUBZone small business concerns; service-disabled veteran owned small business concerns; or women owned small business concerns.

(B) Proposals submitted by other small business concerns.

(C) Proposals submitted under full and open competition.

(3) For purposes of carrying out paragraph (2) with respect to proposals submitted by small business concerns described in the same subparagraph of paragraph (2), the Chief Procurement Officer shall select the appropriate category of concern based on market research, historical data, and progress toward achieving the objective described in subsection (b)(2).

(d) DEFINITIONS.—For purposes of this section, the terms ''small business concern'', ''socially or economically disadvantaged small business concern'', ''women owned small business concern'', ''small business concern owned and controlled by service-disabled veterans'', ''8(a) small business concerns'', and ''qualified HUBZone small business concern'' have the meanings given such terms under the Small Business Act (15 U.S.C. 631 et seq.).

SEC. 407. REQUIREMENT THAT UNIFORMS, PROTECTIVE GEAR, BADGES, AND IDENTIFICATION CARDS OF HOMELAND SECURITY PERSONNEL BE MANUFACTURED IN THE UNITED STATES.

(a) IN GENERAL.—Subtitle D of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 391 et seq.) is further amended by adding at the end the following new section:

''SEC. 839. REQUIREMENT THAT CERTAIN ARTICLES PROCURED FOR DEPARTMENT PERSONNEL BE MANUFACTURED IN THE UNITED STATES.

''(a) REQUIREMENT.—Except as provided in section (c), funds appropriated or otherwise available to the Department may not be used for the procurement of an article described in section (b) if the item is not manufactured in the United States.

''(b) COVERED ARTICLES.—An article referred to in subsection (a) is any of the following articles procured for personnel of the Department:

''(1) Uniforms.

''(2) Protective gear.

''(3) Badges or other insignia indicating the rank, office, or position of personnel.

''(4) Identification cards.

''(c) AVAILABILITY EXCEPTION.—Subsection (a) does not apply to the extent that the Secretary determines that satisfactory quality and sufficient quantity of the article cannot be procured as and when needed at United States market prices. If such a determination is made with respect to an article, the Secretary shall—

''(1) notify the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate within 7 days after making the determination; and

''(2) include in that notification a certification that manufacturing the article outside the United States does not pose a risk to the national security of the United States, as well as a detailed explanation of the steps any facility outside the United States that is manufacturing the article will be required to take to ensure that the materials, patterns, logos, designs, or any other element used in or for the article are not misappropriated.

''(d) OTHER EXCEPTIONS.—Subsection (a) does not apply—

''(1) to acquisitions at or below the micro-purchase threshold (as defined in section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428)); and

''(2) to acquisitions outside the United States for use outside of the United States.

''(e) USE OF DOMESTIC TEXTILES.—For fiscal year 2008 and each subsequent fiscal year, the Secretary shall take all available steps to ensure that, to the maximum extent practicable, the items described in subsection (b) procured by the Department are manufactured using domestic textiles.

''(f) RELATIONSHIP TO WAIVER UNDER TRADE AGREEMENTS ACT OF 1979.—Subsection (a) shall apply notwithstanding any waiver under section 301 of the Trade Agreements Act of 1979 (19 U.S.C. 2511).''.

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by adding at the end of the items relating to such subtitle the following new item:

''Sec. 839. Requirement that certain articles procured for Department personnel be manufactured in the United States.''.

(c) APPLICABILITY.—The amendments made by this section take effect 120 days after the date of the enactment of this Act and apply to any contract entered into on or after that date for the procurement of items to which such amendments apply.

SEC. 408. DEPARTMENT OF HOMELAND SECURITY MENTOR-PROTÉGÉ PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Homeland Security shall establish within the Department of Homeland Security's Office of Small and Disadvantaged Business Utilization a Mentor-Protégé Program, which shall motivate and encourage prime contractors that are large businesses to provide developmental assistance to small business concerns, small business concerns owned and controlled by veterans, small business concerns owned and controlled by service-disabled veterans, HUBZone small business concerns, small business concerns owned by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women.

(b) PARTICIPATION BY CONTRACTORS AND OFFERORS.—The Secretary shall take affirmative steps to publicize and to ensure that Department contractors and offerors are fully aware of and are participating in the Mentor-Protégé Program, including that their efforts to seek and develop a formal Mentor-Protégé relationship will be a factor in the evaluation of bids or offers for Department contracts.

(c) FACTOR IN EVALUATION OF OFFERS.—When evaluating the offer of a contractor, the Department of Homeland Security shall consider that offeror's efforts to seek and develop a formal Mentor-Protégé relationship under the Mentor-Protégé Program.

(d) REVIEW BY INSPECTOR GENERAL.—The Inspector General of the Department of Homeland Security shall conduct a review of the Mentor-Protégé Program. Such review shall include—

(1) an assessment of the program's effectiveness;

(2) identification of any barriers that restrict contractors from participating in the program;

(3) a comparison of the program with the Department of Defense Mentor-Protégé Program; and

(4) development of recommendations to strengthen the program to include the maximum number of contractors as possible.

SEC. 409. PROHIBITION ON AWARD OF CONTRACTS AND GRANTS TO EDUCATIONAL INSTITUTIONS NOT SUPPORTING COAST GUARD EFFORTS.

(a) PROHIBITION.—The Secretary of Homeland Security may not award a contract or grant to an institution of higher education (including any subelement of that institution) if that institution (or any subelement of that institution) has a policy or practice (regardless of when implemented) that prohibits, or in effect prevents, the Commandant of the Coast Guard from gaining access to campuses of the institution, or access to students (who are 17 years of age or older) on such campuses, for purposes of recruiting, in a manner that is at least equal in quality and scope to the access to campuses and to students that is provided to any other employer.

(b) INSTITUTION OF HIGHER EDUCATION DEFINED.—For purposes of this section, the term ''institution of higher education'' has the meaning provided in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(c) LIMITATION ON APPLICATION.—The prohibition in this section shall not apply to an institution of higher education (or any subelement of that institution) if the Secretary of Homeland Security determines that the institution of higher education has a longstanding policy of pacifism based on historical religious affiliation.

SEC. 410. REPORT ON SOURCE OF SHORTFALLS AT FEDERAL PROTECTIVE SERVICE.

The Secretary of Homeland Security may not conduct a reduction in force or furlough of the workforce of the Federal Protective Service until—

(1) the Comptroller General of the United States submits to the Committees on Homeland Security and Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate the report on the source of shortfalls at the Federal Protective Service that was requested by the Committee on Homeland Security and Governmental Affairs of the Senate; and

(2) the Committee on Homeland Security and Governmental Affairs of the Senate and the Committees on Homeland Security and Transportation and Infrastructure of the House of Representatives have conducted hearings on such report.

TITLE V—WORKFORCE AND TRAINING IMPROVEMENTS

SEC. 501. CUSTOMS AND BORDER PROTECTION OFFICER PAY EQUITY.

(a) DEFINITIONS.—For purposes of this section:

(1) The term ''Government retirement system'' means a retirement system established by law for employees of the Government of the United States.

(2) The term ''Customs and Border Protection Officer position'' refers to any Customs and Border Protection Officer position—

(A) which is within the Department of Homeland Security, and

(B) the primary duties of which consist of enforcing the border, customs, or agriculture laws of the United States;

such term includes a supervisory or administrative position within the Department of Homeland Security to which an individual transfers directly from a position described in the preceding provisions of this paragraph in which such individual served for at least three years.

(3) The term ''law enforcement officer'' has the meaning given such term under the Government retirement system involved.

(4) The term ''Executive agency'' or ''agency'' has the meaning given under section 105 of title 5, United States Code.

(5) The term ''prior qualified service'' means service as a Customs and Border Protection Officer within the Department of Homeland Security, since its establishment in March 2003.

(b) TREATMENT AS A LAW ENFORCEMENT OFFICER.—In the administration of any Government retirement system, service in a Customs and Border Protection Officer position shall be treated in the same way as service performed in a law enforcement officer position, subject to succeeding provisions of this section.

(c) APPLICABILITY.—Subsection (b) shall apply in the case of—

(1) any individual first appointed to a Customs and Border Protection Officer position on or after the date of the enactment of this Act; and

(2) any individual who—

(A) holds a Customs and Border Protection Officer position on the date of the enactment of this Act pursuant to an appointment made before such date; and

(B) who submits to the agency administering the retirement system involved an appropriate election under this section, not later than five years after the date of the enactment of this Act or before separation from Government service, whichever is earlier.

(d) INDIVIDUAL CONTRIBUTIONS FOR PRIOR QUALIFIED SERVICE.—

(1) IN GENERAL.—An individual described in subsection (c)(2)(B) may, with respect to prior qualified service performed by such individual, contribute to the Government retirement system by which such individual is covered (for deposit in the appropriate fund within the Treasury) the difference between the individual contributions that were actually made for such service and the individual contributions that should have been made for such service if subsection (b) had then been in effect (with interest).

(2) EFFECT OF NOT CONTRIBUTING.—If less than the full contribution under paragraph (1) is made, all prior qualified service of the individual shall remain fully creditable as law enforcement officer service, but the resulting annuity (before cost-of-living adjustments) shall be reduced in a manner such that, when combined with the unpaid amount, would result in the present value of the total being actuarially equivalent to the present value of the annuity that would otherwise have been payable if the full contribution had been made.

(e) GOVERNMENT CONTRIBUTIONS FOR PRIOR QUALIFIED SERVICE.—

(1) IN GENERAL.—If an individual makes an election under subsection (c)(2)(B), the Department of Homeland Security shall remit, with respect to any prior qualified service, the total amount of additional Government contributions that would have been required for such service under the retirement system involved if subsection (b) had then been in effect (with interest).

(2) CONTRIBUTIONS TO BE MADE RATABLY.—Government contributions under this subsection on behalf of an individual shall be made ratably (on at least an annual basis) over the ten-year period beginning on the date an individual's retirement deductions begin to be made.

(f) EXEMPTION FROM MANDATORY SEPARATION.—Effective during the three-year period beginning on the date of the enactment of this Act, nothing in this section shall result in any individual being involuntarily separated on account of the provisions of any retirement system relating to the mandatory separation of a law enforcement officer on account of age or age and service combined.

(g) RULE OF CONSTRUCTION.—Nothing in this section shall be considered to apply in the case of a reemployed annuitant.

(h) REGULATIONS.—Any regulations necessary to carry out this section shall be prescribed in consultation with the Secretary of Homeland Security.

SEC. 502. PLAN TO IMPROVE REPRESENTATION OF MINORITIES IN VARIOUS CATEGORIES OF EMPLOYMENT.

(a) PLAN FOR IMPROVING REPRESENTATION OF MINORITIES.—Not later than 90 days after the date of the enactment of this Act, the Chief Human Capital Officer of the Department of Homeland Security shall prepare and transmit to the Committee on Homeland Security of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Comptroller General of the United States a plan to achieve the objective of addressing any under representation of minorities in the various categories of civil service employment within such Department. Such plan shall identify and describe any barriers to achieving the objective described in the preceding sentence and the strategies and measures included in the plan to overcome them.

(b) ASSESSMENTS.—Not later than 1 year after receiving the plan, the Comptroller General of the United States shall assess—

(1) any programs and other measures currently being implemented to achieve the objective described in the first sentence of subsection (a); and

(2) the likelihood that the plan will allow the Department to achieve such objective.

(c) DEFINITIONS.—For purposes of this section—

(1) the term ''under representation'' means when the members of a minority group within a category of Federal civil service employment constitute a lower percentage of the total number of employees within the employment category than the percentage that the minority constitutes within the labor force of the Federal Government, according to statistics issued by the Office of Personnel Management;

(2) the term ''minority groups'' or ''minorities'' means—

(A) racial and ethnic minorities;

(B) women; and

(C) individuals with disabilities; and

(3) the term ''category of civil service employment'' means—

(A) each pay grade, pay band, or other classification of every pay schedule and all other levels of pay applicable to the Department of Homeland Security; and

(B) such occupational, professional, or other groupings (including occupational series) as the Chief Human Capital Officer of the Department of Homeland Security may specify, in the plan described in subsection (a), in order to carry out the purposes of this section.

SEC. 503. CONTINUATION OF AUTHORITY FOR FEDERAL LAW ENFORCEMENT TRAINING CENTER TO APPOINT AND MAINTAIN A CADRE OF FEDERAL ANNUITANTS.

Section 1202(a) of the 2002 Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on the United States (42 U.S.C. 3771 note) is amended in the first sentence by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

SEC. 504. AUTHORITY TO APPOINT AND MAINTAIN A CADRE OF FEDERAL ANNUITANTS FOR CUSTOMS AND BORDER PROTECTION.

(a) DEFINITIONS.—For purposes of this section—

(1) the term ''CBP'' means the United States Customs and Border Protection;

(2) the term ''annuitant'' means an annuitant under a Government retirement system;

(3) the term ''Government retirement system'' has the meaning given such term by section 501(a); and

(4) the term ''employee'' has the meaning given such term by section 2105 of title 5, United States Code.

(b) APPOINTMENT AUTHORITY.—The Secretary (acting through the Commissioner of the United States Customs and Border Protection) may, for the purpose of accelerating the ability of the CBP to secure the borders of the United States, appoint annuitants to positions in the CBP in accordance with succeeding provisions of this section.

(c) NONCOMPETITIVE PROCEDURES; EXEMPTION FROM OFFSET.—An appointment made under subsection (b) shall not be subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and any annuitant serving pursuant to such an appointment shall be exempt from sections 8344 and 8468 of such title 5 (relating to annuities and pay on reemployment) and any other similar provision of law under a Government retirement system.

(d) LIMITATIONS.—No appointment under subsection (b) may be made if such appointment would result in the displacement of any employee or would cause the total number of positions filled by annuitants appointed under such subsection to exceed 500 as of any time (determined on a full-time equivalent basis).

(e) RULE OF CONSTRUCTION.—An annuitant as to whom an exemption under subsection (c) is in effect shall not be considered an employee for purposes of any Government retirement system.

(f) TERMINATION.—Upon the expiration of the 5-year period beginning on the date of the enactment of this Act—

(1) any authority to make appointments under subsection (b) shall cease to be available; and

(2) all exemptions under subsection (c) shall cease to be effective.

SEC. 505. STRENGTHENING BORDER PATROL RECRUITMENT AND RETENTION.

(a) IN GENERAL.—In order to address the recruitment and retention challenges faced by United States Customs and Border Protection, the Secretary of Homeland Security shall establish a plan, consistent with existing Federal statutes applicable to pay, recruitment, relocation, and retention of Federal law enforcement officers. Such plan shall include the following components:

(1) The establishment of a recruitment incentive for Border Patrol agents, including the establishment of a foreign language incentive award.

(2) The establishment of a retention plan, including the payment of bonuses to Border Patrol agents for every year of service after the first two years of service.

(3) An increase in the pay percentage differentials to Border Patrol agents in certain high-cost areas, as determined by the Secretary, consistent with entry-level pay to other Federal, State, and local law enforcement agencies.

(4) The establishment of a mechanism whereby Border Patrol agents can transfer from one location to another after the first two years of service in their initial duty location.

(5) The establishment of quarterly goals for the recruitment of new Border Patrol agents, including goals for the number of recruits entering Border Patrol training, and the number of recruits who successfully complete such training and become Border Patrol agents.

(b) REPORT.—

(1) IN GENERAL.—Not later than the first calendar quarter after the date of the enactment of this Act and every calendar quarter thereafter, the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report identifying whether the quarterly goals for the recruitment of new Border Patrol agents established under subsection (a)(5) were met, and an update on the status of recruitment efforts and attrition rates among Border Patrol agents.

(2) CONTENTS OF REPORT.—The report required under paragraph (1) shall contain, at a minimum, the following with respect to each calendar quarter:

(A) The number of recruits who enter Border Patrol training.

(B) The number of recruits who successfully complete such training and become Border Patrol agents.

(C) The number of Border Patrol agents who are lost to attrition.

SEC. 506. LIMITATION ON REIMBURSEMENTS RELATING TO CERTAIN DETAILEES.

In the case of an individual assigned to the Department of Homeland Security as a detailee under an arrangement described in subchapter VI of chapter 33 of title 5, United States Code, the maximum reimbursement by the Department of Homeland Security which may be made under section 3374(c) of such title with respect to such individual for the period of the assignment (including for any employee benefits) may not exceed the total amount of basic pay that would

have been payable for such period if such individual had been paid, at the highest rate allowable under section 5382 of such title, as a member of the Senior Executive Service.

SEC. 507. INTEGRITY IN POST-EMPLOYMENT.

(a) DESIGNATIONS AS SEPARATE AGENCIES AND BUREAUS BARRED.—No agency, bureau, or other entity of the Department of Homeland Security may be designated under section 207(h)(1) of title 18, United States Code, as a separate agency or bureau.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—This section takes effect on the later of—

(A) June 6, 2007; or

(B) the date of the enactment of this Act.

(2) APPLICABILITY TO DESIGNATIONS.—The following shall cease to be effective on the date this section takes effect under paragraph (1):

(A) Any waiver of restrictions made under section 207(c)(2)(C) of title 18, United States Code, before the enactment of this Act, with respect to any position, or category of positions, in the Department of Homeland Security.

(B) Any designation of an agency, bureau, or other entity in the Department of Homeland Security, before the enactment of this Act, under section 207(h)(1) of title 18, United States Code, as a separate agency or bureau.

SEC. 508. INCREASED SECURITY SCREENING OF HOMELAND SECURITY OFFICIALS.

(a) REVIEW REQUIRED.—Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall conduct a Department-wide review of the Department of Homeland Security security clearance and suitability review procedures for Department employees and contractors, as well as individuals in State and local government agencies and private sector entities with a need to receive classified information.

(b) STRENGTHENING OF SECURITY SCREENING POLICIES.—

(1) IN GENERAL.—Based on the findings of the review conducted under subsection (a), the Secretary shall, as appropriate, take all necessary steps to strengthen the Department's security screening policies, including consolidating the security clearance investigative authority at the headquarters of the Department.

(2) ELEMENTS.—In strengthening security screening policies under paragraph (1), the Secretary shall consider whether and where appropriate ensure that—

(A) all components of the Department of Homeland Security meet or exceed Federal and Departmental standards for security clearance investigations, adjudications, and suitability reviews;

(B) the Department has a cadre of well-trained adjudicators and the Department has in place a program to train and oversee adjudicators; and

(C) suitability reviews are conducted for all Department of Homeland Security employees who transfer from a component of the Department to the headquarters of the Departmental.

SEC. 509. AUTHORITIES OF CHIEF SECURITY OFFICER.

(a) ESTABLISHMENT.—Title VII of the Homeland Security Act of 2002 (6 U.S.C. 341 et seq.) is further amended by adding at the end the following:

"SEC. 708. CHIEF SECURITY OFFICER.

''(a) ESTABLISHMENT.—There is in the Department a Chief Security Officer.

''(b) RESPONSIBILITIES.—The Chief Security Officer shall—

''(1) have responsibility for personnel security, facility access, security awareness, and related training;

''(2) ensure that each component of the Department complies with Federal standards for security clearances and background investigations;

''(3) ensure, to the greatest extent practicable, that individuals in State and local government agencies and private sector entities with a need to receive classified information, receive the appropriate clearances in a timely fashion; and

''(4) perform all other functions as determined by the Secretary.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the items relating to such title the following new item:

''Sec. 708. Chief Security Officer.''.

SEC. 510. DEPARTMENTAL CULTURE IMPROVEMENT.

(a) CONSIDERATION REQUIRED.—The Secretary of Homeland Security, acting through the Chief Human Capital Officer, shall consider implementing recommendations set forth in the Homeland Security Advisory Council Culture Task Force Report of January 2007.

(b) IDENTIFICATION OF TERMS.—As part of this consideration, the Secretary, acting through the Chief Human Capital Officer, shall identify an appropriate term, as among ''workforce'', ''personnel'', and ''employee'', to replace ''human capital'' and integrate its use throughout the operations, policies, and programs of the Department of Homeland Security.

SEC. 511. HOMELAND SECURITY EDUCATION PROGRAM ENHANCEMENTS.

Section 845(b) of the Homeland Security Act of 2002 (6 U.S.C. 415(b)) is amended to read as follows:

''(b) LEVERAGING OF EXISTING RESOURCES.—To maximize efficiency and effectiveness in carrying out the Program, the Administrator shall use curricula modeled on existing Department-reviewed Master's Degree curricula in homeland security, including curricula pending accreditation, together with associated learning materials, quality assessment tools, digital libraries, asynchronous distance learning, video conferencing, exercise systems, and other educational facilities, including the National Domestic Preparedness Consortium, the National Fire Academy, and the Emergency Management Institute. The Administrator may develop additional educational programs, as appropriate.''.

SEC. 512. REPEAL OF CHAPTER 97 OF TITLE 5, UNITED STATES CODE.

(a) REPEAL.—

(1) IN GENERAL.—Effective as of the date specified in section 4 of the Homeland Security Act of 2002 (6 U.S.C. 101 note), chapter 97 of title 5, United States Code (as added by section 841(a)(2) of such Act), section 841(b)(3) of such Act, and subsections (c) and (e) of section 842 of such Act are repealed.

(2) REGULATIONS.—Any regulations prescribed under authority of chapter 97 of title 5, United States Code, are void ab initio.

(b) CLERICAL AMENDMENT.—The table of chapters for part III of title 5, United States Code, is amended by striking the item relating to chapter 97.

SEC. 513. UTILIZATION OF NON-LAW ENFORCEMENT FEDERAL EMPLOYEES AS INSTRUCTORS FOR NON-LAW ENFORCEMENT CLASSES AT THE BORDER PATROL TRAINING ACADEMY.

The Director of the Federal Law Enforcement Training Center (FLETC) of the Department of Homeland Security, in consultation with the Chief of the Border Patrol, is authorized to select appropriate employees of the Federal Government other than law enforcement officers (as defined in section 8401(17) of title 5, United States Code) to serve as instructors of non-law enforcement classes.

TITLE VI—BIOPREPAREDNESS IMPROVEMENTS

SEC. 601. CHIEF MEDICAL OFFICER AND OFFICE OF HEALTH AFFAIRS.

Section 516 of the Homeland Security Act of 2002 (6 U.S.C. 321e) is amended to read as follows:

"SEC. 516. CHIEF MEDICAL OFFICER.

''(a) IN GENERAL.—There is in the Department a Chief Medical Officer, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall have the rank and title of Assistant Secretary for Health Affairs and Chief Medical Officer (in this section referred to as the 'Chief Medical Officer').

''(b) OFFICE OF HEALTH AFFAIRS.—There is in the Department an Office of Health Affairs, which shall be headed by the Chief Medical Officer.

''(c) QUALIFICATIONS.—The individual appointed as the Chief Medical Officer shall possess a demonstrated ability in and knowledge of medicine, public health, and the treatment of illnesses caused by chemical, biological, nuclear, and radiological agents.

''(d) RESPONSIBILITIES.—The Chief Medical Officer shall have the primary responsibility within the Department for medical and health issues related to the general roles, responsibilities, and operations of the Department, and terrorist attacks, major disasters, and other emergencies, including—

''(1) serving as the principal advisor to the Secretary and leading the Department's medical care, public health, food, water, veterinary care, and agro- security and defense responsibilities;

''(2) providing oversight for all medically-related actions and protocols of the Department's medical personnel;

''(3) administering the Department's responsibilities for medical readiness, including—

''(A) planning and guidance to support improvements in local training, equipment, and exercises funded by the Department; and

''(B) consistent with the National Response Plan established pursuant to Homeland Security Presidential Directive 8, assisting in fulfilling the Department's roles in related emergency support functions;

''(4) serving as the Department's primary point of contact with the Department of Agriculture, the Department of Defense, the Department of Health and Human Services, the Department of Transportation, the Department of Veterans Affairs, and other Federal departments and agencies, on all matters of medical and public health to ensure coordination consistent with the National Response Plan;

''(5) serving as the Department's primary point of contact for State, local, tribal, and territorial governments, the medical community, and the private sector, to ensure that medical readiness and response activities are coordinated and consistent with the National Response Plan and the Secretary's incident management requirements;

''(6) managing the Department's biodefense and biosurveillance activities including the National Biosurveillance Integration System, and the Departments responsibilities under Project BioShield in coordination with the Under Secretary of Science and Technology as appropriate;

''(7) assuring that the Department's workforce has science-based policy, standards, requirements, and metrics for occupational safety and health;

''(8) supporting the operational requirements of the Department's components with respect to protective medicine and tactical medical support;

''(9) developing, in coordination with appropriate Department entities and other appropriate Federal agencies, end-to-end plans for prevention, readiness, protection, response, and recovery from catastrophic events with human, animal, agricultural, or environmental health consequences;

''(10) integrating into the end-to-end plans developed under paragraph (9), Department of Health and Human Services' efforts to identify and deploy medical assets (including human, fixed, and material assets) used in preparation for or response to national disasters and catastrophes, and to enable access to patient electronic medical records by medical personnel to aid treatment of displaced persons in such circumstance, in order to assure that actions of

both Departments are combined for maximum effectiveness during an emergency consistent with the National Response Plan and applicable emergency support functions;

''(11) performing other duties relating to such responsibilities as the Secretary may require; and

''(12) directing and maintaining a coordinated system for medical support of the Department's operational activities.''.

SEC. 602. IMPROVING THE MATERIAL THREATS PROCESS.

(a) IN GENERAL.—Section 319F–2(c)(2)(A) of the Public Health Service Act (42 U.S.C. 247d–6b(c)(2)(A)) is amended—

(1) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively;

(2) by moving each of such subclauses two ems to the right;

(3) by striking ''(A) MATERIAL THREAT.—The Homeland Security Secretary'' and inserting the following:

''(A) MATERIAL THREAT.—

''(i) IN GENERAL.—The Secretary of Homeland Security''; and

(4) by adding at the end the following clauses:

''(ii) USE OF EXISTING RISK ASSESSMENTS.—For the purpose of satisfying the requirements of clause (i) as expeditiously as possible, the Secretary of Homeland Security shall, as practicable, utilize existing risk assessments that the Secretary of Homeland Security, in consultation with the Secretaries of Health and Human Services, Defense, and Agriculture, and the heads of other appropriate Federal agencies, considers credible.

''(iii) ORDER OF ASSESSMENTS.—

''(I) GROUPINGS TO FACILITATE ASSESSMENT OF COUNTERMEASURES.—In conducting threat assessments and determinations under clause (i) of chemical, biological, radiological, and nuclear agents, the Secretary of Homeland Security shall, to the extent practicable and appropriate, consider the completion of such assessments and determinations for groups of agents toward the goal of facilitating the assessment of countermeasures under paragraph (3) by the Secretary of Health and Human Services.

''(II) CATEGORIES OF COUNTERMEASURES.—The grouping of agents under subclause (I) by the Secretary of Homeland Security shall be designed to facilitate assessments under paragraph (3) by the Secretary of Health and Human Services regarding the following two categories of countermeasures:

''(aa) Countermeasures that may address more than one agent identified under clause (i)(II).

''(bb) Countermeasures that may address adverse health consequences that are common to exposure to different agents.

''(III) RULE OF CONSTRUCTION.—A particular grouping of agents pursuant to subclause (II) is not required under such subclause to facilitate assessments of both categories of countermeasures described in such subclause. A grouping may concern one category and not the other.

''(iv) DEADLINE FOR COMPLETION OF CERTAIN MATERIAL THREAT DETERMINATIONS.—With respect to chemical, biological, radiological, and nuclear agents known to the Secretary of Homeland Security as of the day before the date of the enactment of this clause, and which such Secretary considers to be capable of significantly affecting national security, such Secretary shall complete the determinations under clause (i)(II) not later than December 31, 2007.

''(v) REPORT TO CONGRESS.—Not later than 30 days after the date on which the Secretary of Homeland Security completes a material threat assessment under clause (i), the Secretary shall submit to Congress a report containing the results of such assessment.

''(vi) DEFINITION.—For purposes of this subparagraph, the term 'risk assessment' means a scientific, technically-based analysis of agents that incorporates threat, vulnerability, and consequence information.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 521(d) of the Homeland Security Act of 2002 (6 U.S.C. 321j(d)) is amended—

(1) in paragraph (1), by striking ''2006,'' and inserting ''2009,''; and

(2) by adding at the end the following:

''(3) ADDITIONAL AUTHORIZATION OF APPROPRIATIONS REGARDING CERTAIN THREAT ASSESSMENTS.—For the purpose of providing an additional amount to the Secretary to assist the Secretary in meeting the requirements of clause (iv) of section 319F–2(c)(2)(A) of the Public Health Service Act (relating to time frames), there are authorized to be appropriated such sums as may be necessary for fiscal year 2008, in addition to the authorization of appropriations established in paragraph (1). The purposes for which such additional amount may be expended include conducting risk assessments regarding clause (i)(II) of such section when there are no existing risk assessments that the Secretary considers credible.''.

SEC. 603. STUDY ON NATIONAL BIODEFENSE TRAINING.

(a) STUDY REQUIRED.—The Secretary of Homeland Security shall, in consultation with the Secretary of Defense and the Secretary for Health and Human Services, conduct a joint study to determine the staffing and training requirements for pending capital programs to construct biodefense laboratories (including agriculture and animal laboratories) at Biosafety Level 3 and Biosafety Level 4 or to expand current biodefense laboratories to such biosafety levels.

(b) ELEMENTS.—In conducting the study, the Secretaries shall address the following:

(1) The number of trained personnel, by discipline and qualification level, required for existing biodefense laboratories at Biosafety Level 3 and Biosafety Level 4, including the number trained in Good Laboratory Practices (GLP).

(2) The number of research and support staff, including researchers, laboratory technicians, animal handlers, facility managers, facility or equipment maintainers, safety and security personnel (including biosafety, physical security, and cybersecurity personnel), and other safety personnel required to manage biodefense research efforts to combat bioterrorism at the planned biodefense laboratories described in subsection (a).

(3) The training required to provide the personnel described by paragraphs (1) and (2), including the type of training (whether classroom, laboratory, or field training) required, the length of training required by discipline, and the curriculum required to be developed for such training.

(4) Training schedules necessary to meet the scheduled openings of the biodefense laboratories described in subsection (a), including schedules for refresher training and continuing education that may be necessary for that purpose.

(c) REPORT.—Not later than December 31, 2007, the Secretaries shall submit to Congress a report setting forth the results of the study conducted under this section.

SEC. 604. NATIONAL BIOSURVEILLANCE INTEGRATION CENTER.

(a) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is amended by adding at the end the following new section:

''SEC. 316. NATIONAL BIOSURVEILLANCE INTEGRATION CENTER.

''(a) ESTABLISHMENT.—The Secretary shall establish a National Biosurveillance Integration Center (referred to in this section as the 'NBIC') to enhance the capability of the Federal Government to rapidly identify, characterize, and localize a biological event by integrating and analyzing data related to human health, animals, plants, food, and the environment. The NBIC shall be headed by a Director.

''(b) INTEGRATED BIOSURVEILLANCE NETWORK.—As part of the NBIC, the Director shall develop, operate, and maintain an integrated network to detect, as early as possible, a biological event that presents a risk to the United States or the infrastructure or key assets of the United States. The network shall—

''(1) consolidate data from all relevant surveillance systems maintained by the Department and other governmental and private sources, both foreign and domestic, to the extent practicable; and

''(2) use an information technology system that uses the best available statistical and other analytical tools to identify and characterize biological events in as close to real-time as possible.

''(c) RESPONSIBILITIES.—

''(1) IN GENERAL.—The Director shall—

''(A) monitor on an ongoing basis the availability and appropriateness of candidate data feeds and solicit new surveillance systems with data that would enhance biological situational awareness or overall performance of the NBIC;

''(B) review and seek to improve on an ongoing basis the statistical and other analytical methods used by the NBIC;

''(C) establish a procedure to enable Federal, State and local government, and private sector entities to report suspicious events that could warrant further assessments by the NBIC;

''(D) receive and consider all relevant homeland security information; and

''(E) provide technical assistance, as appropriate, to all Federal, State, and local government entities and private sector entities that contribute data relevant to the operation of the NBIC.

''(2) ASSESSMENTS.—The Director shall—

''(A) continuously evaluate available data for evidence of a biological event; and

''(B) integrate homeland security information with NBIC data to provide overall biological situational awareness and determine whether a biological event has occurred.

''(3) INFORMATION SHARING.—The Director shall—

''(A) establish a mechanism for real-time communication with the National Operations Center;

''(B) provide integrated information to the heads of the departments and agencies with which the Director has entered into an agreement under subsection (d);

''(C) notify the Secretary, the head of the National Operations Center, and the heads of appropriate Federal, State, tribal, and local entities of any significant biological event identified by the NBIC;

''(D) provide reports on NBIC assessments to Federal, State, and local government entities, including departments and agencies with which the Director has entered into an agreement under subsection (d), and any private sector entities, as considered appropriate by the Director; and

''(E) use information sharing networks available to the Department for distributing NBIC incident or situational awareness reports.

''(d) INTERAGENCY AGREEMENTS.—

''(1) IN GENERAL.—The Secretary shall, where feasible, enter into agreements with the heads of appropriate Federal departments and agencies, including the Department of Health and Human Services, Department of Defense, the Department of Agriculture, the Department of State, the Department of Interior, and the Intelligence Community.

''(2) CONTENT OF AGREEMENTS.—Under an agreement entered into under paragraph (1), the head of a Federal department or agency shall agree to—

''(A) use the best efforts of the department or agency to integrate biosurveillance information capabilities through NBIC;

''(B) provide timely, evaluated information to assist the NBIC in maintaining biological situational awareness for timely and accurate detection and response purposes;

''(C) provide connectivity for the biosurveillance data systems of the department or agency

to the NBIC network under mutually agreed protocols;

''(D) detail, if practicable, to the NBIC department or agency personnel with relevant expertise in human, animal, plant, food, or environmental disease analysis and interpretation;

''(E) retain responsibility for the surveillance and intelligence systems of that department or agency, if applicable; and

''(F) participate in forming the strategy and policy for the operation and information sharing practices of the NBIC.

''(e) NOTIFICATION OF DIRECTOR.—The Secretary shall ensure that the Director is notified of homeland security information relating to any significant biological threat and receives all classified and unclassified reports related to such a threat in a timely manner.

''(f) ADMINISTRATIVE AUTHORITIES.—

''(1) PRIVACY.—The Secretary shall—

''(A) designate the NBIC as a public health authority;

''(B) ensure that the NBIC complies with any applicable requirements of the Health Insurance Portability and Accountability Act of 1996; and

''(C) ensure that all applicable privacy regulations are strictly adhered to in the operation of the NBIC and the sharing of any information related to the NBIC.

''(2) COLLECTION OF INFORMATION.—The NBIC, as a public health authority with a public health mission, is authorized to collect or receive health information, including such information protected under the Health Insurance Portability and Accountability Act of 1996, for the purpose of preventing or controlling disease, injury, or disability.

''(g) NBIC INTERAGENCY WORKING GROUP.—The Director shall—

''(1) establish an interagency working group to facilitate interagency cooperation to advise the Director on recommendations to enhance the biosurveillance capabilities of the Department; and

''(2) invite officials of Federal agencies that conduct biosurveillance programs, including officials of the departments and agencies with which the Secretary has entered into an agreement under subsection (d), to participate in the working group.

''(h) ANNUAL REPORT REQUIRED.—Not later than December 31 of each year, the Secretary shall submit to Congress a report that contains each of the following:

''(1) A list of departments, agencies, and private or nonprofit entities participating in the NBIC and a description of the data that each entity has contributed to the NBIC during the preceding fiscal year.

''(2) The schedule for obtaining access to any relevant biosurveillance information not received by the NBIC as of the date on which the report is submitted.

''(3) A list of Federal, State, and local government entities and private sector entities that have direct or indirect access to the information that is integrated by the NBIC.

''(4) For any year before the NBIC is fully implemented or any year in which any major structural or institutional change is made to the NBIC, an implementation plan for the NBIC that includes cost, schedule, key milestones, and the status of such milestones.

''(i) RELATIONSHIP TO OTHER DEPARTMENTS AND AGENCIES.—The authority of the Secretary under this section shall not affect an authority or responsibility of any other Federal department or agency with respect to biosurveillance activities under any program administered by that department or agency.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each fiscal year.

''(k) BIOLOGICAL EVENT.—For purposes of this section, the term 'biological event' means—

''(1) an act of terrorism involving biological agents or toxins of known or unknown origin; or

''(2) a naturally occurring outbreak of an infectious disease that may be of potential national significance.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the items relating to such title the following:

''Sec. 316. National Biosurveillance Integration Center.''.

(c) DEADLINE FOR IMPLEMENTATION.—The National Biosurveillance Integration Center required under section 316 of the Homeland Security Act of 2002, as added by subsection (a), shall be fully operational by not later than September 30, 2008.

SEC. 605. RISK ANALYSIS PROCESS AND INTEGRATED CBRN RISK ASSESSMENT.

(a) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is further amended by adding at the end the following:

''SEC. 317. RISK ANALYSIS PROCESS AND INTEGRATED CBRN RISK ASSESSMENT.

''(a) RISK ANALYSIS PROCESS.—The Secretary shall develop a risk analysis process that utilizes a scientific, quantitative methodology to assess and manage risks posed by chemical, biological, radiological, and nuclear (CBRN) agents.

''(b) INTEGRATED CBRN RISK ASSESSMENT.—The Secretary shall use the process developed under subsection (a) to conduct a risk assessment that shall support the integration of chemical, biological, radiological, and nuclear agents.

''(c) PURPOSE.—The purpose of the risk analysis process developed under subsection (a) and the integrated risk assessment conducted under subsection (b) shall be to identify high risk agents, determine how best to mitigate those risks, and guide resource allocation. Such risk analysis shall—

''(1) facilitate satisfaction of the requirements of section 602;

''(2) guide research, development, acquisition, and deployment of applicable countermeasures, including detection systems;

''(3) identify key knowledge gaps or vulnerabilities in the CBRN defense posture of the Department;

''(4) enable rebalancing and refining of investments within individual classes of threat agents as well as across such classes; and

''(5) support end-to-end assessments of the overall CBRN defense policy of the Department, taking into account the full spectrum of countermeasures available, including prevention, preparedness, planning, response and recovery activities, to better steer investments to strategies with the greatest potential for mitigating identified risks.

''(d) RISK INFORMATION.—

''(1) CLASSES OF THREAT AGENTS.—In developing the risk analysis process under subsection (a) and conducting the risk assessment under subsection (b), the Secretary shall consider risks posed by the following classes of threats:

''(A) Chemical threats, including—

''(i) toxic industrial materials and chemicals;

''(ii) traditional chemical warfare agents; and

''(iii) non-traditional agents, which are defined as novel chemical threat agents or toxicants requiring adapted countermeasures.

''(B) Biological threats, including—

''(i) traditional agents listed by the Centers of Disease Control and Prevention as Category A, B, and C pathogens and toxins;

''(ii) enhanced agents, which are defined as traditional agents that have been modified or selected to enhance their ability to harm human populations or circumvent current countermeasures;

''(iii) emerging agents, which are defined as previously unrecognized pathogens that may be naturally occurring and present a serious risk to human populations; and

''(iv) advanced or engineered agents, which are defined as novel pathogens or other materials of biological nature that have been artificially engineered in the laboratory to bypass traditional countermeasures or produce a more severe or otherwise enhanced spectrum of disease.

''(C) Nuclear and radiological threats, including fissile and other radiological material that could be incorporated into an improvised nuclear device or a radiological dispersal device or released into a wide geographic area by damage to a nuclear reactor.

''(D) Threats to the agriculture sector and food and water supplies.

''(E) Other threat agents the Secretary determines appropriate.

''(2) SOURCES.—The risk analysis process developed under subsection (a) shall be informed by findings of the intelligence and law enforcement communities and integrated with expert input from the scientific, medical, and public health communities, including from relevant components of the Department and other Federal agencies.

''(3) DATA QUALITY, SPECIFICITY, AND CONFIDENCE.—In developing the risk analysis process under subsection (a), the Secretary shall consider the degree of uncertainty and variability in the available scientific information and other information about the classes of threat agents under paragraph (1). An external review shall be conducted to assess the ability of the risk analysis process developed by the Secretary to address areas of large degrees of uncertainty.

''(4) NEW INFORMATION.—The Secretary shall frequently and systematically update the risk assessment conducted under subsection (b), as needed, to incorporate emerging intelligence information or technological changes in order to keep pace with evolving threats and rapid scientific advances.

''(e) METHODOLOGY.—The risk analysis process developed by the Secretary under subsection (a) shall—

''(1) consider, as variables—

''(A) threat, or the likelihood that a type of attack that might be attempted;

''(B) vulnerability, or the likelihood that an attacker would succeed; and

''(C) consequence, or the likely impact of an attack;

''(2) evaluate the consequence component of risk as it relates to mortality, morbidity, and economic effects;

''(3) allow for changes in assumptions to evaluate a full range of factors, including technological, economic, and social trends, which may alter the future security environment;

''(4) contain a well-designed sensitivity analysis to address high degrees of uncertainty associated with the risk analyses of certain CBRN agents;

''(5) utilize red teaming analysis to identify vulnerabilities an adversary may discover and exploit in technology, training, and operational procedures and to identify open-source information that could be used by those attempting to defeat the countermeasures; and

''(6) incorporate an interactive interface that makes results and limitations transparent and useful to decision makers for identifying appropriate risk management activities.

''(f) COORDINATION.—The Secretary shall ensure that all risk analysis activities with respect to radiological or nuclear materials shall be conducted in coordination with the Domestic Nuclear Detection Office.

''(g) TIMEFRAME; REPORTS TO CONGRESS.—

''(1) INITIAL REPORT.—By not later than June 2008, the Secretary shall complete the first formal, integrated, CBRN risk assessment required under subsection (b) and shall submit to Congress a report summarizing the findings of such assessment and identifying improvements that could be made to enhance the transparency and usability of the risk analysis process developed under subsection (a).

''(2) UPDATES TO REPORT.—The Secretary shall submit to Congress updates to the findings

and report in paragraph (1), when appropriate, but by not later than two years after the date on which the initial report is submitted. Such updates shall reflect improvements in the risk analysis process developed under subsection (a).''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the items relating to such title the following:

''Sec. 317. Risk analysis process and integrated CBRN risk assessment.''.

SEC. 606. NATIONAL BIO AND AGRO-DEFENSE FACILITY.

(a) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6. U.S.C. 181 et seq.) is further amended by adding at the end the following new section:

''SEC. 318. NATIONAL BIO AND AGRO-DEFENSE FACILITY.

''(a) ESTABLISHMENT.—There is in the Department a National Bio and Agro-defense Facility (referred to in this section as the 'NBAF'), which shall be headed by a Director who shall be appointed by the Secretary.

''(b) PURPOSES.—

''(1) IN GENERAL.—The NBAF shall be an integrated human, foreign-animal, and zoonotic disease research, development, testing, and evaluation facility with the purpose of supporting the complementary missions of the Department, the Department of Agriculture, and the Department of Health and Human Services in defending against the threat of potential acts of agroterrorism and natural-occurring incidents related to agriculture with the potential to adversely impact public health, animal health, and the economy, or may otherwise impact homeland security.

''(2) KNOWLEDGE PRODUCTION AND SHARING.—The NBAF shall produce and share knowledge and technology for the purpose of reducing economic losses caused by foreign-animal, zoonotic, and, as appropriate, other endemic animal diseases of livestock and poultry, and preventing human suffering and death caused by diseases existing or emerging in the agricultural sector.

''(c) RESPONSIBILITIES OF DIRECTOR.—The Secretary shall vest in the Director primary responsibility for each of the following:

''(1) Directing basic, applied, and advanced research, development, testing, and evaluation relating to foreign-animal, zoonotic, and, as appropriate, other endemic animal diseases, including foot and mouth disease, and performing related activities, including—

''(A) developing countermeasures for foreign-animal, zoonotic, and, as appropriate, other endemic animal diseases, including diagnostics, vaccines and therapeutics;

''(B) providing advanced test and evaluation capability for threat detection, vulnerability, and countermeasure assessment for foreign-animal, zoonotic, and, as appropriate, other endemic animal diseases;

''(C) conducting nonclinical, animal model testing and evaluation under the Food and Drug Administration's Animal Rule as defined in parts 314 and 601 of title 22, Code of Federal Regulations, to support the development of human medical countermeasures by the Department of Human Services under the Public Health Service Act (42 U.S.C. 201 et seq);

''(D) establishing NBAF information-sharing mechanisms to share information with relevant stakeholders, including the National Animal Health Laboratory Network; and

''(E) identifying and promoting uniform national standards for animal disease diagnostics.

''(2) Facilitating the coordination of Federal, State, and local governmental research and development efforts and resources relating to protecting public health and animal health from foreign-animal, zoonotic, and, as appropriate, other endemic animal diseases.

''(3) Ensuring public safety during an emergency by developing an emergency response plan under which emergency response providers in the community are sufficiently prepared or trained to respond effectively and given sufficient notice to allow for an effective response.

''(4) Ensuring NBAF site and facility security.

''(5) Providing training to develop skilled research and technical staff with the needed expertise in operations conducted at biological and agricultural research facilities.

''(6) Leveraging the expertise of academic institutions, industry, the Department of Energy National Laboratories, State and local governmental resources, and professional organizations involved in veterinary, medical and public health, and agriculture issues to carry out functions describes in (1) and (2).

''(d) REQUIREMENTS.—The Secretary, in designing and constructing the NBAF, shall ensure that the facility meets the following requirements:

''(1) The NBAF shall consist of state-of-the-art biocontainment laboratories capable of performing research and activities at Biosafety Level 3 and 4, as designated by the Centers for Disease Control and Prevention and the National Institutes of Health.

''(2) The NBAF facility shall be located on a site of at least 30 acres that can be readily secured by physical measure.

''(3) The NBAF facility shall be at least 500,000 square feet with a capacity of housing a minimum of 80 large animals for research, testing and evaluation;

''(4) The NBAF shall be located at a site with a preexisting utility infrastructure, or a utility infrastructure that can be easily built.

''(5) The NBAF shall be located at a site that has been subject to an Environmental Impact Statement under the National Environmental Policy Act of 1969.

''(6) The NBAF shall be located within a reasonable proximity to a national or regional airport and to major roadways.

''(e) AUTHORIZATION TO PROCURE REAL PROPERTY AND ACCEPT IN KIND DONATIONS FOR THE NBAF SITE.—The Secretary may accept and use donations of real property for the NBAF site and may accept and use in-kind donations of real property, personal property, laboratory and office space, utility services, and infrastructure upgrades for the purpose of assisting the Director in carrying out the responsibilities of the Director under this section.

''(f) APPLICABILITY OF OTHER LAWS.—

''(1) PUBLIC BUILDINGS ACT.—The NBAF shall not be considered a ''public building'' for purposes of the Public Buildings Act of 1959 (40 U.S.C. 3301 et seq.).

''(2) LIVE VIRUS OF FOOT AND MOUTH DISEASE RESEARCH.—The Secretary shall enable the study of live virus of foot and mouth disease at the NBAF, wherever it is sited, notwithstanding section 113a of title 21, United States Code.

''(g) COORDINATION.—

''(1) INTERAGENCY AGREEMENTS.—

''(A) IN GENERAL.—The Secretary shall enter into understandings or agreements with the heads of appropriate Federal departments and agencies, including the Secretary of Agriculture and the Secretary of Health and Human Services, to define the respective roles and responsibilities of each Department in carrying out foreign-animal, zoonotic, and other endemic animal disease research and development at the NBAF to protect public health and animal health.

''(B) DEPARTMENT OF AGRICULTURE.—The understanding or agreement entered into with the Secretary of Agriculture shall include a provision describing research programs and functions of the Department of Agriculture and the Department of Homeland Security, including those research programs and functions carried out at the Plum Island Animal Disease Center and those research programs and functions that will be transferred to the NBAF.

''(C) DEPARTMENT OF HEALTH AND HUMAN SERVICES.—The understanding or agreement entered into with the Department of Health and Human Services shall describe research programs of the Department of Health and Human Services that may relate to work conducted at NBAF.

''(2) COOPERATIVE RELATIONSHIPS.—The Director shall form cooperative relationships with the National Animal Health Laboratory Network and American Association of Veterinary Laboratory Diagnosticians to connect with the network of Federal and State resources intended to enable an integrated, rapid, and sufficient response to animal health emergencies.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is further amended by adding at the end of the items relating to such title the following:

''Sec. 318. National Bio and Agro-defense Facility.''.

TITLE VII—HOMELAND SECURITY CYBERSECURITY IMPROVEMENTS

SEC. 701. CYBERSECURITY AND COMMUNICATIONS.

(a) IN GENERAL.—Subtitle C of title II of the Homeland Security Act of 2002 (6 U.S.C. 141 et seq.) is amended by adding at the end the following new section:

''SEC. 226. OFFICE OF CYBERSECURITY AND COMMUNICATIONS.

''(a) IN GENERAL.—There shall be within the Department of Homeland Security an Office of Cybersecurity and Communications, which shall be headed by the Assistant Secretary for Cybersecurity and Communications.

''(b) DUTY OF THE ASSISTANT SECRETARY.—The Assistant Secretary shall assist the Secretary in carrying out the responsibilities of the Department regarding cybersecurity and communications.

''(c) RESPONSIBILITIES.—The Assistant Secretary shall be responsible for overseeing preparation, situational awareness, response, reconstitution, and mitigation necessary for cybersecurity and to protect communications from terrorist attacks, major disasters, and other emergencies, including large-scale disruptions, and shall conduct the following activities to execute those responsibilities:

''(1) PREPARATION AND SITUATIONAL AWARENESS.—

''(A) Establish and maintain a capability within the Department to monitor critical information infrastructure to aid in detection of vulnerabilities and warning of potential acts of terrorism and other attacks.

''(B) Conduct risk assessments on critical information infrastructure with respect to acts of terrorism and other large-scale disruptions, identify and prioritize vulnerabilities in critical information infrastructure, and coordinate the mitigation of such vulnerabilities.

''(C) Develop a plan for the continuation of critical information operations in the event of a cyber attack or other large-scale disruption of the information infrastructure of the United States.

''(D) Oversee an emergency communications system in the event of an act of terrorism or other large-scale disruption of the information infrastructure of the United States.

''(2) RESPONSE AND RECONSTITUTION.—

''(A) Define what qualifies as a cyber incident of national significance for purposes of the National Response Plan.

''(B) Ensure that the Department's priorities, procedures, and resources are in place to reconstitute critical information infrastructures in the event of an act of terrorism or other large-scale disruption.

''(3) MITIGATION.—

''(A) Develop a national cybersecurity awareness, training, and education program that promotes cybersecurity awareness within the Federal Government and throughout the Nation.

''(B) Consult and coordinate with the Under Secretary for Science and Technology on cybersecurity research and development to

strengthen critical information infrastructure against acts of terrorism and other large-scale disruptions.

''(d) DEFINITION.—In this section the term 'critical information infrastructure' means systems and assets, whether physical or virtual, used in processing, transferring, and storing information so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting at the end of the items relating to subtitle C of title II the following:

''Sec. 226. Office of Cybersecurity and Communications.''.

SEC. 702. CYBERSECURITY RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Under Secretary for Science and Technology shall support research, development, testing, evaluation, and transition of cybersecurity technology, including fundamental, long-term research to improve the ability of the United States to prevent, protect against, detect, respond to, and recover from acts of terrorism and cyber attacks, with emphasis on research and development relevant to large-scale, high-impact attacks.

(b) ACTIVITIES.—The research and development supported under subsection (a) shall include work to—

(1) advance the development and accelerate the deployment of more secure versions of fundamental Internet protocols and architectures, including for the domain name system and routing protocols;

(2) improve and create technologies for detecting attacks or intrusions, including monitoring technologies;

(3) improve and create mitigation and recovery methodologies, including techniques for containment of attacks and development of resilient networks and systems that degrade gracefully;

(4) develop and support infrastructure and tools to support cybersecurity research and development efforts, including modeling, testbeds, and data sets for assessment of new cybersecurity technologies;

(5) assist the development and support of technologies to reduce vulnerabilities in process control systems (PCS); and

(6) test, evaluate, and facilitate the transfer of technologies associated with the engineering of less vulnerable software and securing the IT software development lifecycle.

(c) COORDINATION.—In carrying out this section, the Under Secretary for Science and Technology shall coordinate activities with—

(1) the Assistant Secretary for Cybersecurity and Communications; and

(2) other Federal agencies, including the National Science Foundation, the Defense Advanced Research Projects Agency, the Information Assurance Directorate of the National Security Agency, the National Institute of Standards and Technology, and other appropriate working groups established by the President to identify unmet needs and cooperatively support activities, as appropriate.

(d) AUTHORIZATION OF APPROPRIATIONS.—Of the amount authorized by section 101, there is authorized to be appropriated for the Department of Homeland Security for fiscal year 2008, $50,000,000, for the cybersecurity research and development activities of the Directorate for Science and Technology to prevent, detect, and respond to acts of terrorism and other large-scale disruptions to information infrastructure.

TITLE VIII—SCIENCE AND TECHNOLOGY IMPROVEMENTS

SEC. 801. REPORT TO CONGRESS ON STRATEGIC PLAN.

Not later than 120 days after the date of enactment of this Act, the Under Secretary for Science and Technology shall transmit to Congress the strategic plan described in section 302(2) of the Homeland Security Act of 2002 (6 U.S.C. 182(2)). In addition to the requirements described in that section 302(2), the strategic plan transmitted under this section shall include—

(1) a strategy to enhance the Directorate for Science and Technology workforce, including education and training programs, improving morale, minimizing turnover, strengthening workforce recruitment, and securing institutional knowledge;

(2) the Department policy describing the procedures by which the Directorate for Science and Technology hires and administers assignments to individuals assigned to the Department as detailees under an arrangement described in subchapter VI of chapter 33 of title 5, United States Code;

(3) the Department policy governing the responsibilities of the Under Secretary for Science and Technology, the Under Secretary for Policy, and the Under Secretary for Management, and the operational components of the Department regarding research, development, testing, evaluation, and procurement of homeland security technologies;

(4) a description of the methodology by which research, development, testing, and evaluation is prioritized and funded by the Directorate for Science and Technology;

(5) a description of the performance measurements to be used or a plan to develop performance measurements that can be used to annually evaluate the Directorate for Science and Technology's activities, mission performance, and stewardship of resources;

(6) a plan for domestic and international coordination of all related programs and activities within the Department and throughout Federal agencies, State, local, and tribal governments, the emergency responder community, industry, and academia;

(7) a plan for leveraging the expertise of the National Laboratories and the process for allocating funding to the National Laboratories; and

(8) a strategy for the Homeland Security Advanced Research Projects Agency that includes—

(A) a mission statement;

(B) a description of the Department's high risk and high payoff research, development, test, and evaluation strategy; and

(C) internal policies designed to encourage innovative solutions.

SEC. 802. CENTERS OF EXCELLENCE PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Of the amount authorized by section 101, there is authorized to be appropriated to the Secretary of Homeland Security for carrying out the Centers of Excellence Program $31,000,000 for fiscal year 2008 such that each center that received funding in fiscal year 2007 shall receive, at a minimum, the same amount it received in fiscal year 2007.

(b) MINORITY SERVING INSTITUTIONS PROGRAM.—Of the amount authorized by section 101, there is authorized to be appropriated to the Secretary of Homeland Security for carrying out the Minority Serving Institutions Program $8,000,000 for fiscal year 2008.

(c) CENTERS OF EXCELLENCE PROGRAM PARTICIPATION.—

(1) REQUIREMENT.—If, by the date of the enactment of this Act, the Secretary of Homeland Security has not selected a Minority Serving Institution to participate as a Center of Excellence under the Department of Homeland Security Centers of Excellence Program, at least one of the next four Centers of Excellence selected after the date of enactment of this Act shall be an otherwise eligible applicant that is a Minority Serving Institution.

(2) MINORITY SERVING INSTITUTION DEFINED.—In this subsection the term ''Minority Serving Institution'' means—

(A) an historically black college or university that receives assistance under part B of title III of the Higher Education Act of 1965 (20 U.S.C. 106 et seq);

(B) an Hispanic-serving institution (as that term is defined in section 502 of the Higher Education Act of 1965 (20 U.S.C. 1101a); or

(C) a tribally controlled college or university (as that term is defined in section 2 of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801)).

SEC. 803. NATIONAL RESEARCH COUNCIL STUDY OF UNIVERSITY PROGRAMS.

(a) STUDY.—Not later than 3 months after the date of enactment of this Act, the Under Secretary for Science and Technology of the Department of Homeland Security shall seek to enter into an agreement with the National Research Council of the National Academy of Sciences to conduct a study to assess the University Programs of the Department, with an emphasis on the Centers of Excellence Program and the future plans for these programs, and make recommendations for appropriate improvements.

(b) SUBJECTS.—The study shall include—

(1) a review of key areas of study needed to support the homeland security mission, and criteria that should be utilized to determine those key areas for which the Department should maintain or establish Centers of Excellence;

(2) a review of selection criteria and weighting of such criteria for Centers of Excellence;

(3) an examination of the optimal role of Centers of Excellence in supporting the mission of the Directorate of Science and Technology and the most advantageous relationship between the Centers of Excellence and the Directorate and the Department components the Directorate serves;

(4) an examination of the length of time the Centers of Excellence should be awarded funding and the frequency of the review cycle in order to maintain such funding, particularly given their focus on basic, long term research;

(5) identification of the most appropriate review criteria and metrics to measure demonstrable progress, and mechanisms for delivering and disseminating the research results of established Centers of Excellence within the Department, and to other Federal, State, and local agencies;

(6) an examination of the means by which academic institutions that are not designated or associated with Centers of Excellence can optimally contribute to the research mission of the Directorate;

(7) an assessment of the interrelationship between the different University Programs; and

(8) a review of any other essential elements of the University Programs to be determined in the conduct of the study.

(c) REPORT.—The Under Secretary for Science and Technology shall transmit a report containing the results of the study and recommendations required by subsection (a) and the Under Secretary's response to the recommendations, to the appropriate Congressional committees not later than 24 months after the date of enactment of this Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—Of the amount authorized in section 101, there is authorized to be appropriated to carry out this section $500,000.

SEC. 804. STREAMLINING OF SAFETY ACT AND ANTITERRORISM TECHNOLOGY PROCUREMENT PROCESSES.

(a) PERSONNEL.—The Secretary of Homeland Security shall ensure that, in addition to any personnel engaged in technical evaluations that may be appropriate, a sufficient number of full-time equivalent personnel, who are properly trained and qualified to apply legal, economic, and risk analyses, are involved in the review and prioritization of antiterrorism technologies for the purpose of determining whether such technologies may be designated by the Secretary as qualified antiterrorism technologies under

section 862(b) of the SAFETY Act (6 U.S.C. 441(b)) or certified by the Secretary under section 863(d) of such Act (6 U.S.C. 442(d)).

(b) COORDINATION WITHIN DEPARTMENT OF HOMELAND SECURITY.—The Secretary of Homeland Security shall—

(1) establish a formal coordination process that includes the official of the Department of Homeland Security with primary responsibility for the implementation of the SAFETY Act, the Chief Procurement Officer of the Department, the Under Secretary for Science and Technology, the Under Secretary for Policy, and the Department of Homeland Security General Counsel to ensure the maximum application of the litigation and risk management provisions of the SAFETY Act to antiterrorism technologies procured by the Department; and

(2) promote awareness and utilization of the litigation and risk management provisions of the SAFETY Act in the procurement of antiterrorism technologies.

(c) ISSUANCE OF DEPARTMENTAL DIRECTIVE.—The Secretary of Homeland Security shall, in accordance with the final rule implementing the SAFETY Act, issue a Departmental management directive providing for coordination between Department procurement officials and any other Department official responsible for implementing the SAFETY Act in advance of any Department procurement of an antiterrorism technology, as required under subsection (b).

SEC. 805. PROMOTING ANTITERRORISM THROUGH INTERNATIONAL COOPERATION ACT.

(a) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is further amended by adding at the end the following:

"SEC. 319. PROMOTING ANTITERRORISM THROUGH INTERNATIONAL COOPERATION PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) DIRECTOR.—The term 'Director' means the Director selected under subsection (b)(2).

''(2) INTERNATIONAL COOPERATIVE ACTIVITY.—The term 'international cooperative activity' includes—

''(A) coordinated research projects, joint research projects, or joint ventures;

''(B) joint studies or technical demonstrations;

''(C) coordinated field exercises, scientific seminars, conferences, symposia, and workshops;

''(D) training of scientists and engineers;

''(E) visits and exchanges of scientists, engineers, or other appropriate personnel;

''(F) exchanges or sharing of scientific and technological information; and

''(G) joint use of laboratory facilities and equipment.

''(b) SCIENCE AND TECHNOLOGY HOMELAND SECURITY INTERNATIONAL COOPERATIVE PROGRAMS OFFICE.—

''(1) ESTABLISHMENT.—The Under Secretary shall establish the Science and Technology Homeland Security International Cooperative Programs Office.

''(2) DIRECTOR.—The Office shall be headed by a Director, who—

''(A) shall be selected by and shall report to the Under Secretary; and

''(B) may be an officer of the Department serving in another position.

''(3) RESPONSIBILITIES.—

''(A) DEVELOPMENT OF MECHANISMS.—The Director shall be responsible for developing, in consultation with the Department of State, understandings or agreements that allow and support international cooperative activity in support of homeland security research, development, and comparative testing.

''(B) PRIORITIES.—The Director shall be responsible for developing, in coordination with the Directorate of Science and Technology, the other components of the Department of Homeland Security, and other Federal agencies, strategic priorities for international cooperative activity in support of homeland security research, development, and comparative testing.

''(C) ACTIVITIES.—The Director shall facilitate the planning, development, and implementation of international cooperative activity to address the strategic priorities developed under subparagraph (B) through mechanisms the Under Secretary considers appropriate, including grants, cooperative agreements, or contracts to or with foreign public or private entities, governmental organizations, businesses, federally funded research and development centers, and universities.

''(D) IDENTIFICATION OF PARTNERS.—The Director shall facilitate the matching of United States entities engaged in homeland security research with non-United States entities engaged in homeland security research so that they may partner in homeland security research activities.

''(4) COORDINATION.—The Director shall ensure that the activities under this subsection are coordinated with those of other relevant research agencies, and may run projects jointly with other agencies.

''(5) CONFERENCES AND WORKSHOPS.—The Director may hold international homeland security technology workshops and conferences to improve contact among the international community of technology developers and to help establish direction for future technology goals.

''(c) INTERNATIONAL COOPERATIVE ACTIVITIES.—

''(1) AUTHORIZATION.—The Under Secretary is authorized to carry out international cooperative activities to support the responsibilities specified under section 302.

''(2) MECHANISMS AND EQUITABILITY.—In carrying out this section, the Under Secretary may award grants to and enter into cooperative agreements or contracts with United States governmental organizations, businesses (including small businesses and small and disadvantaged businesses), federally funded research and development centers, institutions of higher education, and foreign public or private entities. The Under Secretary shall ensure that funding and resources expended in international cooperative activities will be equitably matched by the foreign partner organization through direct funding or funding of complementary activities, or through provision of staff, facilities, materials, or equipment.

''(3) LOANS OF EQUIPMENT.—The Under Secretary may make or accept loans of equipment for research and development and comparative testing purposes.

''(4) COOPERATION.—The Under Secretary is authorized to conduct international cooperative activities jointly with other agencies.

''(5) FOREIGN PARTNERS.—Partners may include Israel, the United Kingdom, Canada, Australia, Singapore, and other allies in the global war on terrorism, as appropriate.

''(6) EXOTIC DISEASES.—As part of the international cooperative activities authorized in this section, the Under Secretary, in coordination with the Chief Medical Officer, may facilitate the development of information sharing and other types of cooperative mechanisms with foreign countries, including nations in Africa, to strengthen American preparedness against threats to the Nation's agricultural and public health sectors from exotic diseases.

''(d) BUDGET ALLOCATION.—There is authorized to be appropriated to the Secretary, to be derived from amounts otherwise authorized for the Directorate of Science and Technology, $25,000,000 for each of the fiscal years 2008 through 2011 for activities under this section.

''(e) FOREIGN REIMBURSEMENTS.—Whenever the Science and Technology Homeland Security International Cooperative Programs Office participates in an international cooperative activity with a foreign country on a cost-sharing basis, any reimbursements or contributions received from that foreign country to meet its share of the project may be credited to appropriate current appropriations accounts of the Directorate of Science and Technology.

''(f) REPORT TO CONGRESS ON INTERNATIONAL COOPERATIVE ACTIVITIES.—

''(1) INITIAL REPORT.—Not later than 180 days after the date of enactment of this section, the Under Secretary, acting through the Director, shall transmit to the Congress a report containing—

''(A) a brief description of each partnership formed under subsection (b)(4), including the participants, goals, and amount and sources of funding; and

''(B) a list of international cooperative activities underway, including the participants, goals, expected duration, and amount and sources of funding, including resources provided to support the activities in lieu of direct funding.

''(2) UPDATES.—At the end of the fiscal year that occurs 5 years after the transmittal of the report under subsection (a), and every 5 years thereafter, the Under Secretary, acting through the Director, shall transmit to the Congress an update of the report required under subsection (a).''.

(b) CLERICAL AMENDMENT.—The table of contents for the Homeland Security Act of 2002 is further amended by adding at the end of the items relating to such title the following new item:

''Sec. 319. Promoting antiterrorism through international cooperation program.''.

TITLE IX—BORDER SECURITY IMPROVEMENTS

SEC. 901. US–VISIT.

(a) IN GENERAL.—Not later than 7 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate, the comprehensive strategy required by section 7208 of the Intelligence Reform and Terrorism Prevention Act of 2004 for the biometric entry and exit data system (commonly referred to as the United States Visitor and Immigrant Status Indicator Technology program or US–VISIT) established under the section and other laws described in subsection (b) of such section. The comprehensive strategy shall include an action plan for full implementation of the biometric exit component of US–VISIT, as required under subsection (d) of section 7208 of such Act.

(b) CONTENTS.—The comprehensive strategy and action plan referred to in subsection (a) shall, at a minimum, include the following:

(1) An explanation of how US–VISIT will allow law enforcement officials to identify individuals who overstay their visas.

(2) A description of biometric pilot projects, including the schedule for testing, locations, cost estimates, resources needed, and performance measures.

(3) An implementation schedule for deploying future biometric exit capabilities at all air, land, and sea ports of entry.

(4) The actions the Secretary plans to take to accelerate the full implementation of the biometric exit component of US–VISIT at all air, land, and sea ports of entry.

(c) AIRPORT AND SEAPORT EXIT IMPLEMENTATION.—Not later than December 31, 2008, the Secretary of Homeland Security shall complete the exit portion of the biometric entry and exit data system referred to in subsection (a) for aliens arriving in or departing from the United States at an airport or seaport.

(d) PROHIBITION ON TRANSFER.—The Secretary of Homeland Security shall not transfer to the National Protection and Programs Directorate of the Department of Homeland Security the office of the Department that carries out the biometric entry and exit data system referred to in subsection (a) until the Secretary submits to the committees specified in such subsection the action plan referred to in such subsection for full implementation of the biometric exit component of US–VISIT at all ports of entry.

SEC. 902. SHADOW WOLVES PROGRAM.

Of the amount authorized by section 101, there is authorized to be appropriated $4,100,000 for fiscal year 2008 for the Shadow Wolves program.

SEC. 903. COST-EFFECTIVE TRAINING FOR BORDER PATROL AGENTS.

(a) IN GENERAL.—The Secretary of Homeland Security shall take such steps as may be necessary to control the costs of hiring, training, and deploying new Border Patrol agents, including—

(1) permitting individuals who are in training to become Border Patrol agents to waive certain course requirements of such training if such individuals have earlier satisfied such requirements in a similar or comparable manner as determined by the Secretary; and

(2) directing the Office of Inspector General to conduct a review of the costs and feasibility of training new Border Patrol agents at Federal training centers, including the Federal Law Enforcement Training Center facility in Charleston, South Carolina, and the HAMMER facility in Hanford, Washington, and at training facilities operated by State and local law enforcement academies, non-profit entities, and private entities, including institutions in the southwest border region, as well as the use of all of the above to conduct portions of such training.

(b) LIMITATION ON PER-AGENT COST OF TRAINING.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall take such steps as may be necessary to ensure that the fiscal year 2008 per-agent cost of hiring, training, and deploying each new Border Patrol agent does not exceed $150,000.

(2) EXCEPTION AND CERTIFICATION.—If the Secretary determines that the per-agent cost referred to in paragraph (1) exceeds $150,000, the Secretary shall promptly submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a certification explaining why such per-agent cost exceeds such amount.

SEC. 904. STUDENT AND EXCHANGE VISITOR PROGRAM.

(a) IN GENERAL.—Section 442 of the Homeland Security Act of 2002 (6 U.S.C. 252) is amended—

(1) in subsection (a)—

(A) by redesignating paragraph (5) as paragraph (10); and

(B) by inserting after paragraph (4) the following:

''(5) STUDENT AND EXCHANGE VISITOR PROGRAM.—In administering the program under paragraph (4), the Secretary shall—

''(A) prescribe regulations to require an institution or exchange visitor program sponsor participating in the Student and Exchange Visitor Program to ensure that each covered student or exchange visitor enrolled at the institution or attending the exchange visitor program—

''(i) is an active participant in the program for which the covered student or exchange visitor was issued a visa to enter the United States;

''(ii) is not unobserved for any period—

''(I) exceeding 30 days during any academic term or program in which the covered student or exchange visitor is enrolled; or

''(II) exceeding 60 days during any period not described in subclause (I); and

''(iii) is reported to the Department if within 21 days of—

''(I) transferring to another institution or program; or

''(II) being hospitalized or otherwise incapacitated necessitating a prolonged absence from the academic institution or exchange visitor program; and

''(B) notwithstanding subparagraph (A), require each covered student or exchange visitor to be observed at least once every 60 days.

''(6) ENHANCED ACCESS.—The Secretary shall provide access to the Student and Exchange Visitor Information System (hereinafter in this subsection referred to as the 'SEVIS'), or other equivalent program or system, to appropriate employees of an institution or exchange visitor program sponsor participating in the Student and Exchange Visitor Program if—

''(A) at least two authorized users are identified at each participating institution or exchange visitor sponsor;

''(B) at least one additional authorized user is identified at each such institution or sponsor for every 200 covered students or exchange visitors enrolled at the institution or sponsor; and

''(C) each authorized user is certified by the Secretary as having completed an appropriate training course provided by the Department for the program or system.

''(7) PROGRAM SUPPORT.—The Secretary shall provide appropriate technical support options to facilitate use of the program or system described in paragraph (4) by authorized users.

''(8) UPGRADES TO SEVIS OR EQUIVALENT DATA.—The Secretary shall update the program or system described in paragraph (4) to incorporate new data fields that include—

''(A) verification that a covered student's performance meets the minimum academic standards of the institution in which such student is enrolled; and

''(B) timely entry of academic majors, including changes to majors, of covered students and exchange visitors enrolled at institutions or exchange program sponsors participating in the Student and Exchange Visitor Program.

''(9) SAVINGS CLAUSE.— Nothing in this section shall prohibit the Secretary or any institution or exchange program sponsor participating in the Student Exchange Visitor Program from requiring more frequent observations of covered students or exchange visitors.''; and

(2) by adding at the end the following:

''(d) DEFINITIONS.—For purposes of this section:

''(1) The term 'covered student' means a student who is a nonimmigrant pursuant to section 101(1)(15)(F), 101(1)(15)(J), or 101(1)(15)(M) of the Immigration and Nationality Act of 1952.

''(2) The term 'observed' means positively identified by physical or electronic means.

''(3) The term 'authorized user' means an individual nominated by an institution participating in the Student Exchange Visitor Program and confirmed by the Secretary as not appearing on any terrorist watch list.

''(e) AUTHORIZATION OF APPROPRIATIONS.—Of the amount authorized by section 101 of the Department of Homeland Security Authorization Act for Fiscal Year 2008, there are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section.''.

(b) COMPTROLLER GENERAL REVIEW.—The Comptroller General shall conduct a review of the fees for the Student and Exchange Visitor Program of the Department of Homeland Security. The Comptroller General shall include in such review data from fiscal years 2004 through 2007 and shall consider fees collected by the Department and all expenses associated with the review, issuance, maintenance, data collection, and enforcement functions of the Student and Exchange Visitor Program.

SEC. 905. ASSESSMENT OF RESOURCES NECESSARY TO REDUCE CROSSING TIMES AT LAND PORTS OF ENTRY.

The Secretary of Homeland Security shall, not later than 180 days after the date of the enactment of this Act, conduct an assessment, and submit a report to the Congress, on the personnel, infrastructure, and technology required to reduce border crossing wait times for pedestrian, commercial, and non-commercial vehicular traffic at land ports of entry into the United States to wait times less than prior to September 11, 2001, while ensuring appropriate security checks continue to be conducted.

SEC. 906. BIOMETRIC IDENTIFICATION OF UNAUTHORIZED ALIENS.

(a) IN GENERAL.—The Secretary of Homeland Security shall conduct a pilot program for the mobile biometric identification in the maritime environment of aliens unlawfully present in the United States.

(b) REQUIREMENTS.—The Secretary shall ensure that the pilot program is coordinated with other biometric identification programs within the Department of Homeland Security and shall evaluate the costs and feasibility of expanding the capability to all appropriate Department of Homeland Security maritime vessels.

(c) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized in section 101, there is authorized to be appropriated $10,000,000 to carry out this section.

SEC. 907. REPORT BY GOVERNMENT ACCOUNTABILITY OFFICE REGARDING POLICIES AND PROCEDURES OF THE BORDER PATROL.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report regarding the policies and procedures of the Border Patrol pertaining to the use of lethal and non-lethal force and the pursuit of fleeing vehicles, including data on the number of incidents in which lethal or non-lethal force was used and any penalties that were imposed on Border Patrol agents as a result of such use.

(b) CONSULTATION.—

(1) REQUIREMENT.—In complying with this section, the Comptroller General shall consult with Customs and Border Protection and with representatives of the following:

(A) State and local law enforcement agencies located along the northern and southern international borders of the United States.

(B) The National Border Patrol Council.

(C) The National Association of Former Border Patrol Officers.

(D) Human rights groups with experience regarding aliens who cross the international land borders of the United States.

(E) Any other group that the Comptroller General determines would be appropriate.

(2) INCLUSION OF OPINIONS.—The Comptroller General shall attach written opinions provided by groups referenced to in paragraph (1) as appendices to the report.

TITLE X—INFORMATION SHARING IMPROVEMENTS

SEC. 1001. STATE AND LOCAL FUSION CENTER PROGRAM.

(a) IN GENERAL.—Subtitle I of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 481 et seq.) is amended by striking sections 895 through 899 and inserting the following:

"SEC. 895. STATE AND LOCAL FUSION CENTER PROGRAM.

''(a) ESTABLISHMENT.—The Secretary shall establish within the Department a State and Local Fusion Center Program. The program shall be overseen by the component charged with overseeing information sharing of homeland security information with State, local and tribal law enforcement. The purpose of the State and Local Fusion Center Program is to facilitate information sharing between the Department and State, local, and tribal law enforcement for homeland security and other purposes.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary such sums as are necessary for the Secretary to carry out the purpose of the State and Local Fusion Center Program, including for—

''(1) deploying Department personnel with intelligence and operational skills to State and local fusion centers participating in the Program;

''(2) hiring and maintaining individuals with substantial law enforcement experience who have retired from public service and deploying such individuals to State and local fusion centers participating in the Program (with the consent of such centers); and

''(3) maintaining an adequate number of staff at the headquarters of the Department to sustain and manage the portion of the Program carried out at the headquarters and to otherwise fill positions vacated by Department staff deployed to State and local fusion centers participating in the Program.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by striking the items relating to sections 895 through 899 and inserting the following:

''Sec. 895. State and Local Fusion Center Program.''.

(c) PRIOR AMENDMENTS NOT AFFECTED.—This section shall not be construed to affect the application of sections 895 through 899 of the Homeland Security Act of 2002 (including provisions enacted by the amendments made by those sections), as in effect before the effective date of this section.

SEC. 1002. FUSION CENTER PRIVACY AND CIVIL LIBERTIES TRAINING PROGRAM.

(a) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is amended by adding at the end the following new section:

''SEC. 203. FUSION CENTER PRIVACY AND CIVIL LIBERTIES TRAINING PROGRAM.

''(a) ESTABLISHMENT.—The Secretary, through the Assistant Secretary for Information Analysis, the Privacy Officer, and the Officer for Civil Rights and Civil Liberties, shall establish a program within the Office of Civil Rights and Civil Liberties to provide privacy, civil liberties, and civil rights protection training for appropriate Department employees and State, local, tribal employees serving in State and local fusion centers participating in the State and Local Fusion Center Program.

''(b) MANDATORY TRAINING.—

''(1) DEPARTMENT EMPLOYEES.—The Secretary shall require each employee of the Department who is embedded at a State or local fusion center and has access to United States citizens and legal permanent residents personally identifiable information to successfully complete training under the program established under subsection (a).

''(2) FUSION CENTER REPRESENTATIVES.—As a condition of receiving a grant from the Department, a fusion center shall require each State, local, tribal, or private sector representative of the fusion center to successfully complete training under the program established under subsection (a) not later than six months after the date on which the State or local fusion center at which the employee is embedded receives a grant from the Department.

''(c) CONTENTS OF TRAINING.—Training provided under the program established under subsection (a) shall include training in Federal law in each of the following:

''(1) Privacy, civil liberties, and civil rights policies, procedures, and protocols that can provide or control access to information at a State or local fusion center.

''(2) Privacy awareness training based on section 552a of title 5, United States Code, popularly known as the Privacy Act of 1974.

''(3) The handling of personally identifiable information in a responsible and appropriate manner.

''(4) Appropriate procedures for the destruction of information that is no longer needed.

''(5) The consequences of failing to provide adequate privacy and civil liberties protections.

''(6) Compliance with Federal regulations setting standards for multijurisdictional criminal intelligence systems, including 28 CFR 23 (as in effect on the date of the enactment of this section).

''(7) The use of immutable auditing mechanisms designed to track access to information at a State or local fusion center.

''(d) CERTIFICATION OF TRAINING.—The Secretary, acting through the head of the Office of Civil Rights and Civil Liberties, shall issue a certificate to each person who completes the training under this section and performs successfully in a written examination administered by the Office of Civil Rights and Civil Liberties. A copy of each such certificate issued to an individual working at a participating fusion center shall be kept on file at that fusion center.

''(e) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized by section 101, there are authorized to be appropriate to carry out this section—

''(1) $3,000,000 for each of fiscal years 2008 through 2013; and

''(2) such sums as may be necessary for each subsequent fiscal year.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to such subtitle the following:

''Sec. 203. Fusion center privacy and civil liberties training program.''.

SEC. 1003. AUTHORITY TO APPOINT AND MAINTAIN A CADRE OF FEDERAL ANNUITANTS FOR THE OFFICE OF INFORMATION ANALYSIS.

(a) DEFINITIONS.—For purposes of this section—

(1) the term ''IA'' means the Office of Information Analysis;

(2) the term ''annuitant'' means an annuitant under a Government retirement system;

(3) the term ''Government retirement system'' has the meaning given such term by section 501(a); and

(4) the term ''employee'' has the meaning given such term by section 2105 of title 5, United States Code.

(b) APPOINTMENT AUTHORITY.—The Secretary (acting through the Assistant Secretary for Information Analysis) may, for the purpose of accelerating the ability of IA to perform its statutory duties under the Homeland Security Act of 2002, appoint annuitants to positions in IA in accordance with succeeding provisions of this section.

(c) NONCOMPETITIVE PROCEDURES; EXEMPTION FROM OFFSET.—An appointment made under subsection (b) shall not be subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and any annuitant serving pursuant to such an appointment shall be exempt from sections 8344 and 8468 of such title 5 (relating to annuities and pay on reemployment) and any other similar provision of law under a Government retirement system.

(d) LIMITATIONS.—No appointment under subsection (b) may be made if such appointment would result in the displacement of any employee or would cause the total number of positions filled by annuitants appointed under such subsection to exceed 100 as of any time (determined on a full-time equivalent basis).

(e) RULE OF CONSTRUCTION.—An annuitant as to whom an exemption under subsection (c) is in effect shall not be considered an employee for purposes of any Government retirement system.

(f) TERMINATION.—Upon the expiration of the 5-year period beginning on the date of the enactment of this Act—

(1) any authority to make appointments under subsection (b) shall cease to be available; and

(2) all exemptions under subsection (c) shall cease to be effective.

TITLE XI—MISCELLANEOUS PROVISIONS

SEC. 1101. ELIGIBLE USES FOR INTEROPERABILITY GRANTS.

The Secretary of Homeland Security shall ensure that all funds administered by the Department of Homeland Security to support the interoperable communications needs of State, local, and tribal agencies, including funds administered pursuant to a Memorandum of Understanding or other agreement, may be used to support the standards outlined in the SAFECOM interoperability continuum, including governance, standard operating procedures, technology, training and exercises, and usage.

SEC. 1102. RURAL HOMELAND SECURITY TRAINING INITIATIVE.

(a) ESTABLISHMENT.—The Secretary of Homeland Security shall establish a program to be administered by the Director of the Federal Law Enforcement Training Center of the Department of Homeland Security to expand homeland security training to units of local and tribal governments located in rural areas. The Secretary shall take the following actions:

(1) EVALUATION OF NEEDS OF RURAL AREAS.—The Secretary shall evaluate the needs of such areas.

(2) DEVELOPMENT OF TRAINING PROGRAMS.—The Secretary shall develop expert training programs designed to respond to the needs of such areas, including, but not limited to, those pertaining to rural homeland security responses including protections for privacy, and civil rights and civil liberties.

(3) PROVISION OF TRAINING PROGRAMS.—The Secretary shall provide to such areas the training programs developed under paragraph (2).

(4) OUTREACH EFFORTS.—The Secretary shall conduct outreach efforts to ensure that such areas are aware of the training programs developed under paragraph (2) so that such programs are made available to units of local government and tribal governments located in rural areas.

(b) NO DUPLICATION OR DISPLACEMENT OF CURRENT PROGRAMS.—Any training program developed under paragraph (2) of subsection (a) and any training provided by the program pursuant to such subsection shall be developed or provided, respectively, in a manner so as to not duplicate or displace any program in existence on the date of the enactment of this section.

(c) PRIORITIZED LOCATIONS FOR RURAL HOMELAND SECURITY TRAINING.—In designating sites for the provision of training under this section, the Secretary shall, to the maximum extent possible and as appropriate, give priority to facilities of the Department of Homeland Security in existence as of the date of the enactment of this Act and to closed military installations, and to the extent possible, shall conduct training onsite, at facilities operated by participants.

(d) RURAL DEFINED.—In this section, the term ''rural'' means an area that is not located in a metropolitan statistical area, as defined by the Office of Management and Budget.

SEC. 1103. CRITICAL INFRASTRUCTURE STUDY.

(a) IN GENERAL.—The Secretary of Homeland Security shall work with the Center for Risk and Economic Analysis of Terrorism Events (CREATE), led by the University of Southern California, to evaluate the feasibility and practicality of creating further incentives for private sector stakeholders to share protected critical infrastructure information with the Department for homeland security and other purposes.

(b) INCLUDED INCENTIVES.—Incentives evaluated under this section shall include, but not be limited to, tax incentives, grant eligibility incentives, and certificates of compliance and other non-monetary incentives.

(c) RECOMMENDATIONS.—The evaluation shall also include recommendations on the structure and thresholds of any incentive program.

SEC. 1104. TERRORIST WATCH LIST AND IMMIGRATION STATUS REVIEW AT HIGH-RISK CRITICAL INFRASTRUCTURE.

From amounts authorized under section 101, there may be appropriated such sums as are necessary for the Secretary of Homeland Security to require each owner or operator of a Tier I or Tier II critical infrastructure site as selected for the Buffer Zone Protection Program, to conduct checks of their employees against available terrorist watch lists and immigration status databases.

SEC. 1105. AUTHORIZED USE OF SURPLUS MILITARY VEHICLES.

The Secretary of Homeland Security shall include United States military surplus vehicles having demonstrated utility for responding to terrorist attacks, major disasters, and other

emergencies on the Authorized Equipment List in order to allow State, local, and tribal agencies to purchase, modify, upgrade, and maintain such vehicles using homeland security assistance administered by the Department of Homeland Security.

SEC. 1106. COMPUTER CAPABILITIES TO SUPPORT REAL-TIME INCIDENT MANAGEMENT.

From amounts authorized under section 101, there are authorized such sums as may be necessary for the Secretary of Homeland Security to encourage the development and use of software- or Internet-based computer capabilities to support real-time incident management by Federal, State, local, and tribal agencies. Such software-based capabilities shall be scalable and not be based on proprietary systems to ensure the compatibility of Federal, State, local, and tribal first responder agency incident management systems. In the development and implementation of such computer capabilities, the Secretary shall consider the feasibility and desirability of including the following capabilities:

(1) Geographic information system data.

(2) Personnel, vehicle, and equipment tracking and monitoring.

(3) Commodity tracking and other logistics management.

(4) Evacuation center and shelter status tracking.

(5) Such other capabilities as determined appropriate by the Secretary.

SEC. 1107. EXPENDITURE REPORTS AS A CONDITION OF HOMELAND SECURITY GRANTS.

(a) IN GENERAL.—Subtitle H of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 451 et seq.) is amended by adding at the end the following new section:

"SEC. 890A. EXPENDITURE REPORTS AS A CONDITION OF HOMELAND SECURITY GRANTS.

''(a) QUARTERLY REPORTS REQUIRED AS A CONDITION OF HOMELAND SECURITY GRANTS.—

''(1) EXPENDITURE REPORTS REQUIRED.—As a condition of receiving a grant administered by the Secretary, the Secretary shall require the grant recipient to submit quarterly reports to the Secretary describing the nature and amount of each expenditure made by the recipient using grant funds.

''(2) DEADLINE FOR REPORTS.—Each report required under paragraph (1) shall be submitted not later than 30 days after the last day of a fiscal quarter and shall cover expenditures made during that fiscal quarter.

''(b) PUBLICATION OF EXPENDITURES.—Not later than 30 days after receiving a report under subsection (a), the Secretary shall publish and make publicly available on the Internet website of the Department a description of the nature and amount of each expenditure covered by the report.

''(c) PROTECTION OF SENSITIVE INFORMATION.—In meeting the requirements of this section, the Secretary shall take appropriate action to ensure that sensitive information is not disclosed.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to such subtitle the following:

''Sec. 890A. Expenditure reports as a condition of homeland security grants.''.

SEC. 1108. ENCOURAGING USE OF COMPUTERIZED TRAINING AIDS.

The Under Secretary for Science and Technology of the Department of Homeland Security shall use and make available to State and local agencies computer simulations to help strengthen the ability of municipalities to prepare for and respond to a chemical, biological, or other terrorist attack, and to standardize response training.

SEC. 1109. PROTECTION OF NAME, INITIALS, INSIGNIA, AND DEPARTMENTAL SEAL.

Section 875 of the Homeland Security Act of 2002 (6 U.S.C. 455) is amended by adding at the end the following new subsection:

''(d) PROTECTION OF NAME, INITIALS, INSIGNIA, AND SEAL.—

''(1) IN GENERAL.—Except with the written permission of the Secretary, no person may knowingly use, in connection with any advertisement, commercial activity, audiovisual production (including film or television production), impersonation, Internet domain name, Internet e-mail address, or Internet Web site, merchandise, retail product, or solicitation in a manner reasonably calculated to convey the impression that the Department or any organizational element of the Department has approved, endorsed, or authorized such use, any of the following (or any colorable imitation thereof):

''(A) The words 'Department of Homeland Security', the initials 'DHS', the insignia or seal of the Department, or the title 'Secretary of Homeland Security'.

''(B) The name, initials, insignia, or seal of any organizational element (including any former such element) of the Department, or the title of any other officer or employee of the Department, notice of which has been published by the Secretary in accordance with paragraph (3).

''(2) CIVIL ACTION.—Whenever it appears to the Attorney General that any person is engaged or is about to engage in an act or practice that constitutes or will constitute conduct prohibited by paragraph (1) the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice. Such court shall proceed as soon as practicable to the hearing and determination of such action and may, at any time before final determination, enter such restraining orders or prohibitions, or take such other actions as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought.

''(3) NOTICE AND PUBLICATION.—The notice and publication to which paragraph (1)(B) refers is a notice published in the Federal Register including the name, initials, seal, or class of titles protected under paragraph (1)(B) and a statement that they are protected under that provision. The Secretary may amend such notice from time to time as the Secretary determines appropriate in the public interest and shall publish such amendments in the Federal Register.

''(4) AUDIOVISUAL PRODUCTION.—For the purpose of this subsection, the term 'audiovisual production' means the production of a work that consists of a series of related images that are intrinsically intended to be shown by the use of machines or devices such as projectors, viewers, or electronic equipment, together with accompanying sounds, if any, regardless of the nature of the material objects, such as films or tapes, in which the work is embodied.''.

SEC. 1110. REPORT ON UNITED STATES SECRET SERVICE APPROACH TO SHARING UNCLASSIFIED, LAW ENFORCEMENT SENSITIVE INFORMATION WITH FEDERAL, STATE, AND LOCAL PARTNERS.

(a) REPORT BY DIRECTOR OF UNITED STATES SECRET SERVICE.—Not later than 240 days after the date of the enactment of this Act, the Director of the United States Secret Service shall submit to the Committee on Homeland Security of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Inspector General of the Department of Homeland Security a report describing the approach of the Secret Service to sharing unclassified, law enforcement sensitive information with Federal, State, and local law enforcement agencies for homeland security and other purposes.

(b) REPORT BY INSPECTOR GENERAL.—The Inspector General of the Department of Homeland Security shall conduct a review of the report submitted by the Director of the United States Secret Service under subsection (a), and submit a report with recommendations on whether and how such approach could be incorporated throughout the Department to Congress within 240 days after receiving the report of the Director of the United States Secret Service under subsection (a).

SEC. 1111. REPORT ON UNITED STATES SECRET SERVICE JAMES J. ROWLEY TRAINING CENTER.

Within 240 days after the date of the enactment of this Act, the Inspector General of the Department of Homeland Security shall provide to the appropriate congressional committees, including the Committees on Homeland Security and Appropriations of the House of Representatives and the Committees on Homeland Security and Governmental Affairs and Appropriations of the Senate, a report describing the following:

(1) The mission and training capabilities of the United States Secret Service James J. Rowley Training Center.

(2) Current Secret Service personnel throughput capacity of the James J. Rowley Training Center.

(3) Maximum Secret Service personnel throughput capacity of the James J. Rowley Training Center.

(4) An assessment of what departmental components engage in similar training activities as those conducted at the James J. Rowley Training Center.

(5) An assessment of the infrastructure enhancements needed to support the mission and training capabilities of the James J. Rowley Training Center.

(6) An assessment of the actual and expected total throughput capacity at the James J. Rowley Training Center, including outside entity participants.

SEC. 1112. METROPOLITAN MEDICAL RESPONSE SYSTEM PROGRAM.

(a) IN GENERAL.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding at the end the following:

"SEC. 522. METROPOLITAN MEDICAL RESPONSE SYSTEM PROGRAM.

''(a) IN GENERAL.—There is a Metropolitan Medical Response System Program (in this section referred to as the 'program').

''(b) PURPOSE.—The purpose of the program shall be to support local jurisdictions in enhancing and maintaining all-hazards response capabilities to manage mass casualty incidents (including terrorist acts using chemical, biological, radiological, nuclear agents, or explosives, large-scale hazardous materials incidents, epidemic disease outbreaks, and natural disasters) by systematically enhancing and integrating first responders, public health personnel, emergency management personnel, business representatives, and volunteers.

''(c) PROGRAM ADMINISTRATION.—The Assistant Secretary for Health Affairs shall develop the programmatic and policy guidance for the program in coordination with the Administrator of the Federal Emergency Management Agency.

''(d) PERSONNEL COSTS.—The program shall not be subject to an administrative cap on the hiring of personnel to conduct program activities.

''(e) FINANCIAL ASSISTANCE.—

''(1) ADMINISTRATION.—The Administrator of the Federal Emergency Management Agency shall administer financial assistance provided to State and local jurisdictions under the program.

''(2) ASSISTANCE TO LOCAL JURISDICTIONS.—In providing financial assistance to a State under the program, the Administrator shall ensure that 100 percent of the amount of such assistance is allocated by the State to local jurisdictions, except that a State may retain up to 20 percent of the amount of such assistance to facilitate integration between the State and the local jurisdiction pursuant to a written agreement between the State and the chair of the Metropolitan Medical Response System steering committee.

''(3) MUTUAL AID.—

''(A) AGREEMENTS.—Local jurisdictions receiving assistance under the program are encouraged to develop and maintain memoranda of understanding and agreement with neighboring jurisdictions to support a system of mutual aid among the jurisdictions.

''(B) CONTENTS.—A memorandum referred to in subparagraph (A) shall include, at a minimum, policies and procedures to—

''(i) enable the timely deployment of program personnel and equipment across jurisdictions and, if relevant, across State boundaries;

''(ii) share information in a consistent and timely manner; and

''(iii) notify State authorities of the deployment of program resources in a manner that ensures coordination with State agencies without impeding the ability of program personnel and equipment to respond rapidly to emergencies in other jurisdictions.

''(f) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized by section 101 there is authorized to be appropriated to carry out the program $63,000,000 for each of the fiscal years 2008 through 2011.''.

(b) PROGRAM REVIEW.—

(1) IN GENERAL.—The Assistant Secretary for Health Affairs shall conduct a review of the Metropolitan Medical Response System Program.

(2) CONTENT OF REVIEW.—In conducting the review of the program, the Assistant Secretary shall examine—

(A) strategic goals;

(B) objectives;

(C) operational capabilities;

(D) resource requirements;

(E) performance metrics;

(F) administration;

(G) whether the program would be more effective if it were managed as a contractual agreement;

(H) the degree to which the program's strategic goals, objectives, and capabilities are incorporated in State and local homeland security plans; and

(I) challenges in the coordination among public health, public safety, and other stakeholder groups to prepare for and respond to mass casualty incidents.

(3) REPORT.—Not later than 9 months after the date of enactment of this subsection, the Assistant Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the results of the review.

(c) CONFORMING AMENDMENTS.—

(1) REPEAL.—Section 635 of the Post-Katrina Management Reform Act of 2006 (6 U.S.C. 723) is repealed.

(2) TABLE OF CONTENTS.—The table of contents contained in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 521 the following:

''Sec. 522. Metropolitan Medical Response System Program.''.

SEC. 1113. IDENTITY FRAUD PREVENTION GRANT PROGRAM.

(a) FINDINGS.—Congress finds the following:

(1) The National Commission on Terrorist Attacks Upon the United States found that the 19 hijackers had been issued 16 State driver's licenses (from Arizona, California, Florida, and Virginia) and 14 State identification cards (from Florida, Maryland and Virginia).

(2) The Commission concluded that ''[s]ecure identification should begin in the United States. The Federal Government should set standards for the issuance of birth certificates and sources of identification, such as driver's licenses. Fraud in identification is no longer just a problem of theft. At many entry points to vulnerable facilities, including gates for boarding aircraft, sources of identification are the last opportunity to ensure that people are who they say they are and to check whether they are terrorists.''

(b) GRANT PROGRAM.—Subtitle D of title IV of the Homeland Security Act of 2002 (6 U.S.C. 251 et seq.) is amended by adding at the end the following:

''SEC. 447. DOCUMENT FRAUD PREVENTION GRANT PROGRAM.

''(a) IN GENERAL.—The Secretary shall establish a program to make grants available to States to be used to prevent terrorists and other individuals from fraudulently obtaining and using State-issued identification cards and to develop more secure State-issued documents to be used for official Federal purposes.

''(b) USE OF FUNDS.—A recipient of a grant under this section may use the grant for any of the following purposes:

''(1) To develop machine readable technology, encryption methods, or other means of protecting against unauthorized access of information appearing on licenses or identification.

''(2) To establish a system for a State-to-State data exchange that allows electronic access to States to information contained in a State department of motor vehicles database.

''(3) To develop or implement a security plan designed to safeguard the privacy of personal information collected, maintained, and used by State motor vehicles offices from unauthorized access, misuse, fraud, and identity theft.

''(4) To develop a querying service that allows access to Federal databases in a timely, secure, and cost-effective manner, in order to verify the issuance, validity, content, and completeness of source documents provided by applicants for identity documents issued by State agencies, including departments of motor vehicles.

''(5) To develop a system for States to capture and store digital images of identity source documents and photographs of applicants in electronic format.

''(6) To design systems or establish procedures that would reduce the number of in-person visits required to State departments of motor vehicles to obtain State-issued identity documents used for Federal official purposes.

''(c) PRIORITY IN AWARDING GRANTS.—In awarding grants under this section the Secretary shall give priority to a State that demonstrates that—

''(1) the grant will assist the State in complying with any regulation issued by the Department to prevent the fraudulent issuance of identification documents to be used for official Federal purposes; and

''(2) such compliance will facilitate the ability of other States to comply with such regulations.

''(d) LIMITATION ON SOURCE OF FUNDING.—The Secretary may not use amounts made available under this section for any other grant program of the Department to provide funding for expenses related to the REAL ID Act of 2005 (Public Law 109–13).

''(e) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized by section 101 there are authorized to be appropriated to the Secretary for making grants under this section—

''(1) $120,000,000 for fiscal year 2008;

''(2) $100,000,000 for fiscal year 2009; and

''(3) $80,000,000 for fiscal year 2010.''.

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the items relating to such subtitle the following:

''Sec. 447. Document fraud prevention grant program.''.

SEC. 1114. TECHNICAL CORRECTIONS.

The Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 361 et seq.) is amended—

(1) in section 1(b) in the table of contents by striking the items relating to the second title XVIII, as added by section 501(b)(3) of Public Law 109–347, and inserting the following:

''TITLE XIX—DOMESTIC NUCLEAR DETECTION OFFICE

''Sec. 1901. Domestic Nuclear Detection Office.

''Sec. 1902. Mission of Office.

''Sec. 1903. Hiring authority.

''Sec. 1904. Testing authority.

''Sec. 1905. Relationship to other Department entities and Federal agencies.

''Sec. 1906. Contracting and grant making authorities.''.

(2) by redesignating the second title XVIII, as added by section 501(a) of Public Law 109–347, as title XIX;

(3) in title XIX (as so redesignated)—

(A) by redesignating sections 1801 through 1806 as sections 1901 through 1906, respectively;

(B) in section 1904(a) (6 U.S.C. 594(a)), as so redesignated, by striking ''section 1802'' and inserting ''section 1902''; and

(C) in section 1906 (6 U.S.C. 596), as so redesignated, by striking ''section 1802(a)'' each place it appears and inserting ''section 1902(a)''.

SEC. 1115. CITIZEN CORPS.

Of the amount authorized to be appropriated under section 101, such sums as may be necessary shall be available to the Secretary of Homeland Security to encourage the use of Citizen Corps funding and local Citizen Corps Councils to provide education and training for populations located around critical infrastructure on preparing for and responding to terrorist attacks, major disasters, and other emergencies.

SEC. 1116. REPORT REGARDING DEPARTMENT OF HOMELAND SECURITY IMPLEMENTATION OF COMPTROLLER GENERAL AND INSPECTOR GENERAL RECOMMENDATIONS REGARDING PROTECTION OF AGRICULTURE.

(a) REPORT REQUIRED.—The Secretary of Homeland Security shall prepare a report describing how the Department of Homeland Security will implement the applicable recommendations of the following reports:

(1) Comptroller General report entitled ''Homeland Security: How Much is Being Done to Protect Agriculture from a Terrorist Attack, but Important Challenges Remain'' (GAO–05–214).

(2) Department of Homeland Security Office of Inspector General report entitled ''The Department of Homeland Security's Role in Food Defense and Critical Infrastructure Protection'' (OIG–07–33).

(b) SUBMISSION OF REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit the report to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate. If the Secretary determines that a specific recommendation will not be implemented or will not be fully implemented, the Secretary shall include in the report a description of the reasoning or justification for the determination.

SEC. 1117. REPORT REGARDING LEVEE SYSTEM.

(a) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the appropriate congressional committees a report analyzing the threat, vulnerability, and consequence of a terrorist attack on the levee system of the United States.

(b) EXISTING REPORTS.—In implementing this section, the Secretary may build upon existing reports as necessary.

SEC. 1118. REPORT ON FORCE MULTIPLIER PROGRAM.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the appropriate congressional committees a report on the progress of the Secretary—

(1) in establishing procedures to ensure compliance with section 44917(a)(7) of title 49, United States Code; and

(2) in accomplishing the operational aspects of the Force Multiplier Program, as required pursuant to the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295).

SEC. 1119. ELIGIBILITY OF STATE JUDICIAL FACILITIES FOR STATE HOMELAND SECURITY GRANTS.

(a) IN GENERAL.—States may utilize covered grants for the purpose of providing funds to

State and local judicial facilities for security at those facilities.

(b) COVERED GRANTS.—For the purposes of this section, the term ''covered grant'' means a grant under any of the following programs of the Department of Homeland Security:

(1) The State Homeland Security Grant Program.

(2) The Urban Area Security Initiative.

SEC. 1120. AUTHORIZATION OF HOMELAND SECURITY FUNCTIONS OF THE UNITED STATES SECRET SERVICE.

(a) AUTHORIZED FUNDING.—Of the amounts authorized by section 101, there is authorized to be appropriated for fiscal year 2008 for necessary expenses of the United States Secret Service, $1,641,432,000.

(b) AUTHORIZED PERSONNEL STRENGTH.—The United States Secret Service is authorized to provide 6,822 full-time equivalent positions.

SEC. 1121. DATA SHARING.

The Secretary of Homeland Security shall provide information relating to assistance requested or provided in response to a terrorist attack, major disaster, or other emergency, to Federal, State, or local law enforcement entities to assist in the location of a missing child or registered sex offender. In providing such information, the Secretary shall take reasonable steps to protect the privacy of individuals.

TITLE XII—MARITIME ALIEN SMUGGLING

SEC. 1201. SHORT TITLE.

This title may be cited as the ''Maritime Alien Smuggling Law Enforcement Act''.

SEC. 1202. CONGRESSIONAL DECLARATION OF FINDINGS.

The Congress finds and declares that maritime alien smuggling violates the national sovereignty of the United States, places the country at risk of terrorist activity, compromises the country's border security, contravenes the rule of law, and compels an unnecessary risk to life among those who enforce the Nation's laws. Moreover, such maritime alien smuggling creates a condition of human suffering among those who seek to enter the United States without official permission or lawful authority that is to be universally condemned and vigorously opposed.

SEC. 1203. DEFINITIONS.

In this title:

(1) The term ''alien'' has the same meaning given that term in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(2) The term ''lawful authority'' means permission, authorization, or waiver that is expressly provided for in the immigration laws of the United States or the regulations prescribed thereunder and does not include any such authority secured by fraud or otherwise obtained in violation of law or authority that has been sought but not approved.

(3) The term ''serious bodily injury'' has the same meaning given that term in section 1365 of title 18, United States Code, including any conduct that would violate sections 2241 or 2242 of such title, if the conduct occurred in the special maritime and territorial jurisdiction of the United States.

(4) The term ''State'' has the same meaning given that term in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(5) The term ''terrorist activity'' has the same meaning given that term in section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)).

(6) The term ''United States'' includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

(7) The term ''vessel of the United States'' and ''vessel subject to the jurisdiction of the United States'' have the same meanings given those terms in section 2 of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903).

SEC. 1204. MARITIME ALIEN SMUGGLING.

(a) OFFENSE.—For purposes of enforcing Federal laws, including those that pertain to port, maritime, or land border security, no person on board a vessel of the United States or a vessel subject to the jurisdiction of the United States, or who is a citizen or national of the United States or an alien who is paroled into or is a resident of the United States on board any vessel, shall assist, encourage, direct, induce, transport, move, harbor, conceal, or shield from detection an individual in transit from one country to another on the high seas, knowing or in reckless disregard of the fact that such individual is an alien, known, or suspected terrorist, or an individual seeking to commit terrorist activity, seeking to enter the United States without official permission or lawful authority.

(b) ATTEMPT OR CONSPIRACY.—Any person who attempts or conspires to commit a violation of this title shall be subject to the same penalties as those prescribed for the violation, the commission of which was the object of the attempt or conspiracy.

(c) JURISDICTION AND SCOPE.—

(1) IN GENERAL.—Jurisdiction of the United States with respect to vessels and persons subject to this section is not an element of any offense. All jurisdictional issues arising under this section are preliminary questions of law to be determined solely by the trial judge.

(2) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over the offenses described in this section.

(3) NONAPPLICABILITY TO LAWFUL ACTIVITIES.—Nothing in this title shall apply to otherwise lawful activities carried out by or at the direction of the United States Government.

(d) CLAIM OF FAILURE TO COMPLY WITH INTERNATIONAL LAW; JURISDICTION OF COURT.—Any person charged with a violation of this title shall not have standing to raise the claim of failure to comply with international law as a basis for a defense. A claim of failure to comply with international law in the enforcement of this title may be invoked solely by a foreign nation, and a failure to comply with international law shall not divest a court of jurisdiction or otherwise constitute a defense to any proceeding under this title.

(e) AFFIRMATIVE DEFENSE.—It shall be an affirmative defense to a violation of this section, as to which the defendant has the burden of proof by a preponderance of the evidence, that prior to the alleged violation the defendant rescued the alien at sea, if the defendant—

(1) immediately reported to the Coast Guard the circumstances of the rescue, and the name, description, registry number, and location of the rescuing vessel; and

(2) did not bring or attempt to bring the alien into the land territory of the United States without official permission or lawful authority, unless exigent circumstances existed that placed the life of the alien in danger, in which case the defendant must have reported to the Coast Guard the information required by paragraph (1) of this subsection immediately upon delivering that alien to emergency medical personnel ashore.

(f) ADMISSIBILITY OF EVIDENCE.—Notwithstanding any provision of the Federal Rules of Evidence, the testimony of Coast Guard personnel and official records of the Coast Guard, offered to show either that the defendant did not report immediately the information required by subsection (e) or the absence of any such report by the defendant, shall be admissible, and the jury shall be instructed, upon request of the United States, that it may draw an inference from such records or testimony in deciding whether the defendant reported as required by subsection (e).

(g) ADMISSIBILITY OF VIDEOTAPED WITNESS TESTIMONY.—Notwithstanding any provision of the Federal Rules of Evidence, the videotaped (or otherwise audiovisually or electronically preserved) deposition of a witness to any alleged violation of subsection (a) of this section who has been repatriated, removed, extradited, or otherwise expelled from or denied admission to the United States or who is otherwise unable to testify may be admitted into evidence in an action brought for that violation if the witness was available for cross examination at the deposition and the deposition otherwise complies with the Federal Rules of Evidence.

(h) PENALTIES.—A person who commits any violation under this section shall—

(1) be imprisoned for not less than 3 years and not more than 20 years, fined not more than $100,000, or both;

(2) in a case in which the violation furthers or aids the commission of any other criminal offense against the United States or any State for which the offense is punishable by imprisonment for more than 1 year, be imprisoned for not less than 5 years and not more than 20 years, fined not more than $100,000, or both;

(3) in a case in which any participant in the violation created a substantial risk of death or serious bodily injury to another person (including, but not limited to, transporting a person in a shipping container, storage compartment, or other confined space or at a speed in excess of the rated capacity of the vessel), be imprisoned for not less than 5 years and not more than 20 years, fined not more than $100,000, or both;

(4) in a case in which the violation caused serious bodily injury to any person, regardless of where the injury occurred, be imprisoned for not less than 7 years and not more than 30 years, fined not more than $500,000, or both;

(5) in a case in which the violation involved an alien who the offender knew or had reason to believe was an alien engaged in terrorist activity or intending to engage in terrorist activity, be imprisoned for not less than 10 years and not more than 30 years, fined not more than $500,000, or both; and

(6) in the case where the violation caused or resulted in the death of any person regardless of where the death occurred, be punished by death or imprisoned for not less than 10 years and up to a life sentence, fined not more than $1,000,000, or both.

SEC. 1205. SEIZURE OR FORFEITURE OF PROPERTY.

(a) IN GENERAL.—Any conveyance (including any vessel, vehicle, or aircraft) that has been or is being used in the commission of any violation of this title), the gross proceeds of such violation, and any property traceable to such conveyance or proceeds shall be seized and subject to forfeiture in the same manner as property seized or forfeited under section 274 of the Immigration and Nationality Act (8 U.S.C. 1324).

(b) PRIMA FACIE EVIDENCE OF VIOLATIONS OF THE TITLE.—Practices commonly recognized as alien smuggling tactics may provide prima facie evidence of intent to use a vessel to commit, or to facilitate the commission of, a violation of this title and may support seizure and forfeiture of the vessel, even in the absence aboard the vessel of an alien in unlawful transit. The following indicia may be considered, in the totality of the circumstances, to be prima facie evidence that a vessel is intended to be used to commit, or to facilitate the commission of, a violation of this title:

(1) The construction or adaptation of the vessel in a manner that facilitates smuggling, including—

(A) the configuration of the vessel to avoid being detected visually or by radar;

(B) the presence of any compartment or equipment that is built or fitted out for smuggling (excluding items reasonably used for the storage of personal valuables);

(C) the presence of an auxiliary fuel, oil, or water tank not installed in accordance with applicable law or installed in such a manner as to enhance the vessel's smuggling capability;

(D) the presence of engines, the power of which exceeds the design specifications or size of the vessel;

(E) the presence of materials used to reduce or alter the heat or radar signature of the vessel or avoid detection;

(F) the presence of a camouflaging paint scheme or materials used to camouflage the vessel; and

(G) the display of false vessel registration numbers, false indicia of vessel nationality, false vessel name, or false vessel homeport.

(2) The presence or absence of equipment, personnel, or cargo inconsistent with the type or declared purpose of the vessel.

(3) The presence of fuel, lube oil, food, water, or spare parts inconsistent with legitimate operation of the vessel, the construction or equipment of the vessel, or the character of the vessel.

(4) The operation of the vessel without lights during times lights are required to be displayed under applicable law or regulation or in a manner of navigation.

(5) The failure of the vessel to stop, respond, or heave to when hailed by an official of the Federal Government, including conducting evasive maneuvers.

(6) The declaration to the Federal Government of apparently false information about the vessel, crew, or voyage or the failure to identify the vessel by name or country of registration when requested to do so by a Government official.

(c) PRIMA FACIE EVIDENCE OF THE ABSENCE OF LAWFUL AUTHORITY TO ENTER.—Notwithstanding any provision of the Federal Rules of Evidence, in determining whether a violation of this title has occurred, any of the following shall be prima facie evidence in an action for seizure or forfeiture pursuant to this section that an alien involved in the alleged offense had not received prior official permission or legal authorization to come to, enter, or reside in the United States or that such alien had come to, entered, or remained in the United States in violation of law:

(1) Any order, finding, or determination concerning the alien's status or lack thereof made by a Federal judge or administrative adjudicator (including an immigration judge or an immigration officer) during any judicial or administrative proceeding authorized under the immigration laws or regulations prescribed thereunder.

(2) Official records of the Department of Homeland Security, the Department of Justice, or the Department of State concerning the alien's status or lack thereof.

(3) Testimony by an immigration officer having personal knowledge of the facts concerning the alien's status or lack thereof.

The Acting CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 110–136. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. THOMPSON OF MISSISSIPPI

The Acting CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–136.

Mr. THOMPSON of Mississippi. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. THOMPSON of Mississippi:

In the proposed section 401(b)(3)(B), as proposed to be added by section 201 of the bill, insert before the period at the end the following: ", excluding each agency that is a distinct entity within the Department".

In the proposed section 401(b)(3)(E), as proposed to be added by section 201 of the bill, insert before the period at the end the following: ", consistent with this section".

Strike subsection (b) of the proposed section 707, as proposed to be added by section 202 of the bill, and insert the following:

"(b) COORDINATION.—The Secretary shall direct the Chief Operating Officer of each component agency to coordinate with that Officer's respective Chief Operating Officer of the Department to ensure that the component agency adheres to Government-wide laws, rules, regulations, and policies to which the Department is subject and which the Chief Operating Officer is responsible for implementing.".

In the proposed section 707(c), strike "reporting to" and insert "coordinating with".

In the proposed section 402(d), as proposed to be added by section 203 of the bill, insert after "submit to the Committee on Homeland Security" the following: "and the Committee on Transportation and Infrastructure".

Strike the proposed subsection (d), as proposed to be added by section 208 of the bill, and insert the following:

"(d) AUTHORITY OF ASSISTANT SECRETARY FOR LEGISLATIVE AFFAIRS OVER DEPARTMENTAL COUNTERPARTS.—The Secretary for the Department shall ensure that the Assistant Secretary for Legislative Affairs has adequate authority or the Assistant Secretary's respective counterparts in component agencies of the Department to ensure that such component agencies adhere to the laws, rules, and regulations to which the Department is subject and the departmental policies that the Assistant Secretary for Legislative Affairs is responsible for implementing.".

In section 301(c), after "submit to the Committee on Homeland Security" the following: "and the Committee on Oversight and Government Reform".

In the proposed subsection (d)(1), as proposed to be added by section 302 of the bill, strike "and the Committee on Homeland Security and Governmental Affairs of the Senate" and insert ", the Committee on Homeland Security and Governmental Affairs of the Senate, and other appropriate congressional committees".

In the proposed subsection (d)(2), as proposed to be added by section 302 of the bill, strike "and the Committee on Homeland Security and Governmental Affairs of the Senate" and insert ", the Committee on Homeland Security and Governmental Affairs of the Senate, and other appropriate congressional committees".

In the proposed section 104(a), as proposed to be added by section 304 of the bill, insert after "congressional homeland security committees" the following: "and other appropriate congressional committees".

Strike section 305 and conform the table of contents accordingly.

In section 402, strike subsection (b) and insert the following:

(b) APPOINTMENT AUTHORITY.—The Secretary (acting through the Chief Procurement Officer) may, for the purpose of supporting the Department's acquisition capabilities and enhancing contract management throughout the Department, appoint annuitants to positions in procurement offices in accordance with succeeding provisions of this section, except that no authority under this subsection shall be available unless the Secretary provides to Congress a certification that—

(1) the Secretary has submitted a request under section 8344(i) or 8468(f) of title 5, United States Code, on or after the date of the enactment of this Act, with respect to positions in procurement offices;

(2) the request described in paragraph (1) was properly filed; and

(3) the Office of Personnel Management has not responded to the request described in paragraph (1), by either approving, denying, or seeking more information regarding such request, within 90 days after the date on which such request was filed.

In section 402, strike subsection (f) and insert the following:

(f) TERMINATION OF AUTHORITY.—Effective 2 years after the date of the enactment of this Act—

(1) all authority to make appointments under subsection (b) shall cease to be available; and

(2) all exemptions under subsection (c) shall cease to be effective.

In the proposed section 837(b), as proposed to be added by section 403 of the bill, after "require the contractor to submit" insert the following: "past performance".

In section 406, strike subsection (c) and redesignate subsection (d) as subsection (c).

In the proposed section 839(b), as proposed to be added by section 407 of the bill, strike paragraph (4).

In the proposed section 839(d), strike "the micro-purchase threshold (as defined in section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428))" and insert "the simplified acquisition threshold (as defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403))".

In the proposed section 839, as proposed to be added by section 407 of the bill, strike subsection (f).

In section 408(c), strike "the Department of Homeland Security shall consider" and insert "The Secretary of Homeland Security shall consider, among the other factors the Secretary deems relevant,".

Strike section 409, redesignate section 410 as section 409, and conform the table of contents accordingly.

In section 409, as so redesignated, strike "The Secretary" and insert "Consistent with any applicable law, the Secretary".

In section 501, redesignate subsections (g) and (h) as subsections (h) and (i), respectively, and insert after subsection (f), the following new subsection (g):

(g) COMPTROLLER GENERAL REPORT.—The Comptroller General shall conduct a comprehensive review of the retirement system for law enforcement officers employed by the Federal Government. The review shall include all employees categorized as law enforcement officers for purposes of retirement and any other Federal employee performing law enforcement officer duties not so categorized. In carrying out the review, the Comptroller General shall review legislative proposals introduced over the 10 years preceding the date of the enactment of this Act that are relevant to the issue law enforcement retirement and consult with law enforcement agencies and law enforcement employee representatives. Not later than August 1, 2007, the Comptroller General shall submit to Congress a report on the findings of such review. The report shall include each of the following:

(1) An assessment of the reasons and goals for the establishment of the separate retirement system for law enforcement officers, as defined in section 8331 of title 5, United States Code, including the need for young and vigorous law enforcement officers, and whether such reasons and goals are currently appropriate.

(2) An assessment of the more recent reasons given for including additional groups of employees in such system, including recruitment and retention, and whether such reasons and goals are currently appropriate.

(3) A determination as to whether the system is achieving the goals in (1) and (2).

(4) A summary of potential alternatives to the system, including increased use of bonuses, increased pay, and raising the mandatory retirement age, and a recommendation as to which alternatives would best meet each goal defined in (1) and (2), including legislative recommendations if necessary.

(5) A recommendation for the definition of law enforcement officer.

(6) An detailed review of the current system including its mandatory retirement age and benefit accrual.

(7) A recommendation as to whether the law enforcement officer category should be made at the employee, function and duty, job classification, agency or other level, and by whom.

(8) Any other relevant information.

In section 502(a) by inserting after ''transmit to the Committee on Homeland Security'' the following: ''and the Committee on Oversight and Government Reform''.

In section 504, strike subsection (b) and insert the following:

(b) APPOINTMENT AUTHORITY.—The Secretary (acting through the Commissioner of the United States Customs and Border Protection) may, for the purpose of accelerating the ability of the CBP to secure the borders of the United States, appoint annuitants to positions in the CBP in accordance with succeeding provisions of this section, except that no authority under this subsection shall be available unless the Secretary provides to Congress a certification that—

(1) the Secretary has submitted a request under section 8344(i) or 8468(f) of title 5, United States Code, on or after the date of the enactment of this Act, with respect to positions in the CBP;

(2) the request described in paragraph (1) was properly filed; and

(3) the Office of Personnel Management has not responded to the request described in paragraph (1), by either approving, denying, or seeking more information regarding such request, within 90 days after the date on which such request was filed.

In section 504, strike subsection (f) and insert the following:

(f) TERMINATION OF AUTHORITY.—Effective 2 years after the date of the enactment of this Act—

(1) all authority to make appointments under subsection (b) shall cease to be available; and

(2) all exemptions under subsection (c) shall cease to be effective.

In section 505(a), insert after ''statutes'' the following: '' and Office of Personnel Management Regulations and Guidelines''.

Strike section 507, redesignate sections 508 through 513 as sections 507 through 512, respectively, and conform the table of contents accordingly.

In the proposed section 708, as proposed to be added by section 508 of the bill, as so redesignated, strike subsection (b)(1) and insert the following:

''(1) have responsibility for overall Department-wide security activities, including issuing and confiscating credentials, controlling access to and disposing of classified and sensitive but unclassified materials, controlling access to sensitive areas and Secured Compartmentalized Intelligence Facilities, and communicating with other government agencies on the status of security clearances and security clearance applications;''.

Strike section 606 and conform the table of contents accordingly.

In the proposed section 226(c)(1)(A), as proposed to be added by section 701 of the bill, strike ''to monitor critical information infrastructure'' and insert ''for ongoing activities to identify threats to critical information infrastructure''.

In section 702(c)(2), insert after ''Standards and Technology,'' the following: ''the Department of Commerce,''.

Insert after section 702 the following (and conform the table of contents accordingly):

SEC. 703. COLLABORATION.

In carrying out this title, the Assistant Secretary of Homeland Security for Cybersecurity and Communications shall collaborate with any Federal entity that, under law, has authority over the activities set forth in this title.

In section 804(b)(1), strike ''maximum''.

In the proposed section 319(e), as proposed to be added by section 805 of the bill, after ''the project may'' insert the following: '', subject to the availability of appropriations for such purpose,''.

Insert at the end of title VIII the following (and conform the table of contents accordingly):

SEC. 806. AVAILABILITY OF TESTING FACILITIES AND EQUIPMENT.

(a) AUTHORITY.—The Under Secretary for Science and Technology or his designee may make available to any person or entity, for an appropriate fee, the services of any Department of Homeland Security owned and operated center, or other testing facility for the testing of materials, equipment, models, computer software, and other items designed to advance the homeland security mission.

(b) INTERFERENCE WITH FEDERAL PROGRAMS.—The Under Secretary for Science and Technology shall ensure that the testing of materiel and other items not owned by the Government shall not cause government personnel or other government resources to be diverted from scheduled tests of Government materiel or otherwise interfere with Government mission requirements.

(c) CONFIDENTIALITY OF TEST RESULTS.—The results of tests performed with services made available under subsection (a) and any associated data provided by the person or entity for the conduct of such tests are trade secrets or commercial or financial information that is privileged or confidential within the meaning of section 552b(4) of title 5, United States Code, and may not be disclosed outside the Federal Government without the consent of the person or entity for whom the tests are performed.

(d) FEES.—The fees for exercising the authorities under subsection (a) may not exceed the amount necessary to recoup the direct and indirect costs involved, such as direct costs of utilities, contractor support, and salaries of personnel that are incurred by the United States to provide for the testing.

(e) USE OF FEES.—The fees for exercising the authorities under subsection (a) shall be credited to the appropriations or other funds of the Directorate of Science and Technology.

(f) OPERATIONAL PLAN.—Not later than 90 days after the date of the enactment of this Act, the Under Secretary for Science and Technology shall submit to Congress a report detailing a plan for operating a program that would allow any person or entity, for an appropriate feel, to use any center or testing facility owned and operated by the Department of Homeland Security for testing of materials, equipment, models, computer software, and other items designed to advance the homeland security mission. The plan shall include—

(1) a list of the facilities and equipment that could be made available to such persons or entities;

(2) a five-year budget plan, including the costs for facility construction, staff training, contract and legal fees, equipment maintenance and operation, and any incidental costs associated with the program;

(3) A five-year estimate of the number of users and fees to be collected;

(4) a list of criteria for selecting private-sector users from a pool of applicants, including any special requirements for foreign applicants; and

(5) an assessment of the effect the program would have on the ability of a center or testing facility to meet its obligations under other Federal programs.

(g) REPORT TO CONGRESS.—The Under Secretary for Science and Technology shall submit to Congress an annual report containing a list of the centers and testing facilities that have collected fees under this section, the amount of fees collected, a brief description of each partnership formed under this section, and the purpose for which the testing was conducted.

(h) GAO.—Not later than two years after the date of the enactment of this Act, the Comptroller General shall submit to Congress an assessment of the implementation of this section.

Strike section 904 and insert the following (and conform the table of contents accordingly):

SEC. 904. REPORT ON IMPLEMENTATION OF THE STUDENT AND EXCHANGE VISITOR PROGRAM.

Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the appropriate congressional committees a report to update the Government Accountability Office report of June 18, 2004, GAO-04-690, on the Student and Exchange Visitor Program (referred to in this section as ''SEVP'') and specifically the Student and Exchange Visitor Information System (referred to in this section as ''SEVIS''). The report shall include the following information:

(1) The rate of compliance with the current SEVIS requirements by program sponsors and educational institutions, including non-academic institutions authorized to admit students under SEVIS.

(2) Whether there are differences in compliance rates among different types and sizes of institutions participating in SEVIS.

(3) Whether SEVIS adequately ensures that each covered foreign student or exchange visitor in nonimmigrant status is, in fact, actively participating in the program for which admission to the United States was granted.

(4) Whether SEVIS includes data fields to ensure that each covered foreign student or exchange visitor in nonimmigrant status is meeting minimum academic or program standards and that major courses of study are recorded, especially those that may be of national security concern.

(5) Whether the Secretary of Homeland Security provides adequate access, training, and technical support to authorized users from the sponsoring programs and educational institutions in which covered foreign students and exchange visitors in a nonimmigrant status are enrolled.

(6) Whether each sponsoring program or educational institution participating in SEVP has designated enough authorized users to comply with SEVIS requirements.

(7) Whether authorized users at program sponsors or educational institutions are adequately vetted and trained.

(8) Whether the fees collected are adequate to support SEVIS.

(9) Whether there any new authorities, capabilities, or resources needed for SEVP and SEVIS to fully perform.

Strike section 906, redesignate section 907 as section 906, and conform the table of contents accordingly.

In section 1003, strike subsection (b) and insert the following:

(b) APPOINTMENT AUTHORITY.—The Secretary (acting through the Assistant Secretary for Information Analysis) may, for the purpose of accelerating the ability of the IA to perform its statutory duties under the Homeland Security Act of 2002, appoint annuitants to positions in the IA in accordance with succeeding provisions of this section, except that no authority under this subsection shall be available unless the Secretary provides to Congress a certification that—

(1) the Secretary has submitted a request under section 8344(i) or 8468(f) of title 5, United States Code, on or after the date of the enactment of this Act, with respect to positions in the IA;

(2) the request described in paragraph (1) was properly filed; and

(3) the Office of Personnel Management has not responded to the request described in paragraph (1), by either approving, denying, or seeking more information regarding such request, within 90 days after the date on which such request was filed.

In section 1003, strike subsection (f) and insert the following:

(f) TERMINATION OF AUTHORITY.—Effective 2 years after the date of the enactment of this Act—

(1) all authority to make appointments under subsection (b) shall cease to be available; and

(2) all exemptions under subsection (c) shall cease to be effective.

Strike section 1101, redesignate sections 1102 through 1108 as sections 1101 through 1107, respectively, and conform the table of contents accordingly.

Strike sections 1109, 1110, 1111, redesignate sections 1112 through 1119 as sections 1108 through 1115, respectively, and amend the table of contents accordingly.

Strike section 1120, redesignate section 1121 as section 1116, and amend the table of contents accordingly.

Strike section 1102, as so redesignated, and insert the following:

SEC. 1102. CRITICAL INFRASTRUCTURE STUDY.

The Secretary of Homeland Security shall work with the Center for Risk and Economic Analysis of Terrorism Events (CREATE), led by the University of Southern California, to evaluate the feasibility and practicality of creating further incentives for private sector stakeholders to share protected critical infrastructure information with the Department for homeland security and other purposes.

In section 1103, as so redesignated, strike ''and immigration status databases''.

In the heading for section 1103, as so redesignated, strike ''**AND IMMIGRATION REVIEW**''.

In the proposed section 890A(a), as proposed to be added by section 1106 of the bill, as so redesignated, insert after paragraph (2) the following:

''(3) EXCLUDED PROGRAMS.—This section shall not apply to or otherwise affect any grant issued under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) or the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.).''.

Add at the end of title XI the following (and conform the table of contents accordingly):

SEC. 1117. COMPTROLLER GENERAL REPORT ON CRITICAL INFRASTRUCTURE.

(a) REQUIREMENT.—The Comptroller General of the United States shall conduct a study to—

(1) determine the extent to which architecture, engineering, surveying, and mapping activities related to the critical infrastructure of the United States are being sent to offshore locations;

(2) assess whether any vulnerabilities or threats exist with respect to terrorism; and

(3) recommend policies, regulations, or legislation, as appropriate, that may be necessary to protect the national and homeland security interests of the United States.

(b) CONSULTATION.—In carrying out the study authorized by this section, the Comptroller General shall consult with—

(1) such other agencies of the Government of the United States as are appropriate; and

(2) national organizations representing the architecture, engineering, surveying, and mapping professions.

(c) REPORT.—The Comptroller General shall submit to the Committees on Transportation and Infrastructure, Energy and Commerce, and Homeland Security of the House of Representatives, and to the Senate, by not later than 6 months after the date of the enactment of this Act a report on the findings, conclusions, and recommendations of the study under this section.

(d) DEFINITIONS.—As used in this section—

(1) each of the terms ''architectural'', ''engineering'', ''surveying'', and ''mapping''—

(A) subject to subparagraph (B), has the same meaning such term has under section 1102 of title 40, United States Code; and

(B) includes services performed by professionals such as surveyors, photogrammetrists, hydrographers, geodesists, or cartographers in the collection, storage, retrieval, or dissemination of graphical or digital data to depict natural or man-made physical features, phenomena, or boundaries of the earth and any information related to such data, including any such data that comprises the processing of a survey, map, chart, geographic information system, remotely sensed image or data, or aerial photograph; and

(2) the term ''critical infrastructure''—

(A) means systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters; and

(B) includes the basic facilities, structures, and installations needed for the functioning of a community or society, including transportation and communications systems, water and power lines, power plants, and the built environment of private and public institutions of the United States.

Add at the end of title XI the following (and conform the table of contents accordingly):

SEC. 1118. IMPROVING THE NEXUS AND FAST REGISTERED TRAVELER PROGRAMS.

(a) MERGING REQUIREMENTS OF NEXUS AND FAST.—

(1) IN GENERAL.—The Secretary of Homeland Security shall merge the procedures for the programs described in subsection (j) into a single procedure, with common eligibility and security screening requirements, enrollment processes, and sanctions regimes.

(2) SPECIFIC REQUIREMENTS.—In carrying out paragraph (1), the Secretary shall ensure that the procedures for the programs known as ''NEXUS Highway'', ''NEXUS Marine'', and ''NEXUS Air'' are integrated into such a single procedure.

(b) INTEGRATING NEXUS AND FAST INFORMATION SYSTEMS.—The Secretary of Homeland Security shall integrate all databases and information systems for the programs described in subsection (j) in a manner that will permit any identification card issued to a participant to operate in all locations where a program described in such subsection is operating.

(c) CREATION OF NEXUS CONVERTIBLE LANES.—In order to expand the NEXUS program described in subsection (j)(2) to major northern border crossings, the Secretary of Homeland Security, in consultation with appropriate representatives of the Government of Canada, shall equip not fewer than six new northern border crossings with NEXUS technology.

(d) CREATION OF REMOTE ENROLLMENT CENTERS.—The Secretary of Homeland Security, in consultation with appropriate representatives of the Government of Canada, shall create a minimum of two remote enrollment centers for the programs described in subsection (j). Such a remote enrollment center shall be established at each of the border crossings described in subsection (c).

(e) CREATION OF MOBILE ENROLLMENT CENTERS.—The Secretary of Homeland Security, in consultation with appropriate representatives of the Government of Canada, shall create a minimum of two mobile enrollment centers for the programs described in subsection (j). Such mobile enrollment centers shall be used to accept and process applications in areas currently underserved by such programs. The Secretary shall work with State and local authorities in determining the locations of such mobile enrollment centers.

(f) ON-LINE APPLICATION PROCESS.—The Secretary of Homeland Security shall design an on-line application process for the programs described in subsection (j). Such process shall permit individuals to securely submit their applications on-line and schedule a security interview at the nearest enrollment center.

(g) PROMOTING ENROLLMENT.—

(1) CREATING INCENTIVES FOR ENROLLMENT.—In order to encourage applications for the programs described in subsection (j), the Secretary of Homeland Security shall develop a plan to admit participants in an amount that is as inexpensive as possible per card issued for each of such programs.

(2) CUSTOMER SERVICE PHONE NUMBER.—In order to provide potential applicants with timely information for the programs described in subsection (j), the Secretary of Homeland Security shall create a customer service telephone number for such programs.

(3) PUBLICITY CAMPAIGN.—The Secretary shall carry out a program to educate the public regarding the benefits of the programs described in subsection (j).

(h) TRAVEL DOCUMENT FOR TRAVEL INTO UNITED STATES.—For purposes of the plan required under section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004, an identification card issued to a participant in a program described in subsection (j) shall be considered a document sufficient on its own when produced to denote identity and citizenship for travel into the United States by United States citizens and by categories of individuals for whom documentation requirements have previously been waived under section 212(d)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(4)(B)).

(i) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) a report on the implementation of subsections (a) through (g).

(j) PROGRAMS.—The programs described in this subsection are the following:

(1) The FAST program authorized under subpart B of title IV of the Tariff Act of 1930 (19 U.S.C. 1411 et seq.).

(2) The NEXUS program authorized under section 286(q) of the Immigration and Nationality Act (U.S.C. 1356(q)).

SEC. 1119. TRAVEL DOCUMENTS.

(a) TRAVEL TO CANADA AND MEXICO.—Section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 is amended by adding at the end the following new paragraphs:

''(3) PASS CARD INFRASTRUCTURE.—The Secretary of Homeland Security shall conduct not less than one trial on the usability, reliability, and effectiveness of the technology that the Secretary determines appropriate to implement the documentary requirements of this subsection. The Secretary may not issue a final rule implementing the requirements of this subsection until such time as the Secretary has submitted to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) a report on the results and outcome of such trial or trials. The report shall include data and evidence that demonstrates that the technology utilized in such trial or trials is operationally superior to other alternative technology infrastructures.

''(4) FLEXIBLE IMPLEMENTATION PERIOD.—In order to provide flexibility upon implementation of the plan developed under paragraph (1), the Secretary of Homeland Security shall establish a special procedure to permit an individual who does not possess a passport or other document, or combination of documents, as required under paragraph (1), but who the Secretary determines to be a citizen of the United States, to re-enter the United States at an international land or maritime border of the United States. The special procedure referred to in this paragraph shall terminate on the date that is 180 days after the date of the implementation of the plan described in paragraph (1)(A).

''(5) SPECIAL RULE FOR CERTAIN MINORS.—Except as provided in paragraph (6), citizens of the United States or Canada who are less than 16 years of age shall not be required to present to an immigration officer a passport or other document, or combination of documents, as required under paragraph (1), when returning or traveling to the United States from Canada, Mexico, Bermuda, or the Carribean at any port of entry along the international land or maritime border of the United States.

''(6) SPECIAL RULE FOR CERTAIN STUDENT MINORS TRAVELING AS PART OF AN AUTHORIZED AND SUPERVISED SCHOOL TRIP.—Notwithstanding the special rule described in paragraph (5), the Secretary of Homeland Security is authorized to consider expanding the special rule for certain minors described in such paragraph to a citizen of the United States or Canada who is less than 19 years of age but is 16 years of age or older and who is traveling between the United States and Canada at any port of entry along the international or maritime border between the two countries if such citizen is so traveling as a student as part of an authorized and supervised school trip.

''(7) PUBLIC OUTREACH.—To promote travel and trade across the United States border, the Secretary of Homeland Security shall develop a public communications plan to promote to United States citizens, representatives of the travel and trade industries, and local government officials information relating to the implementation of this subsection. The Secretary of Homeland Security shall coordinate with representatives of the travel and trade industries in the development of such public communications plan.

''(8) COST-BENEFIT ANALYSIS.—The Secretary of Homeland Security shall prepare an extensive regulatory impact analysis that is fully compliant with Executive Order 12866 and Office of Management and Budget Circular A-4 for an economically significant regulatory action before publishing a rule with respect to the implementation of the requirements of this subsection.''.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act and every 120 days thereafter, the Secretary of Homeland Security shall submit to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) a report on the implementation of paragraphs (3) through (8) of section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004.

Strike title XII and conform the table of contents accordingly.

The Acting CHAIRMAN. Pursuant to House Resolution 382, the gentleman from Mississippi (Mr. THOMPSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Mississippi.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my manager's amendment strengthens H.R. 1684 by adding some things and taking out some others. Ninety-two percent of the provisions that I am seeking to have removed were items offered for the first time in the committee's mark-up. They were good ideas, but we haven't had the benefit of giving these novel ideas the full consideration they deserve.

After the mark-up, I had the opportunity to speak with a number of chairs who had a shared interest in these items. Collaboration is a wonderful thing, Mr. Chairman. In some cases, they offered suggestions to make the bill better. Those changes are contained in this amendment. In other cases, they offered to work together on these issues and other legislative vehicles. So, as a testament to the collaborative spirit of this majority, I offer this amendment.

I am well aware that some of my Republican colleagues are complaining about what my amendment does. I am reminded of what LBJ once told an audience: ''Perhaps you can help. Don't just complain, develop a better doctrine.'' This Congress, we're developing a better doctrine.

It is important to look at this milestone in context. Let me provide a little lesson on the Committee of Homeland Security's history.

In 2003, the year the committee was created, then Chairman Chris Cox failed to put forth an authorization bill.

In 2004, Chairman Cox scheduled his first markup of an authorization bill but barely got half the committee Republicans to show up. Outnumbered by Democrats, the markup was cancelled after opening statements. Even if the markup had proceeded, it was still 2 months late, as the appropriations bill had passed a month earlier.

In 2005, Mr. Cox was still a day late and a dollar short in getting the bill passed through the House. The appropriation bill still came first.

In 2006, the committee took two steps back. My colleague from New York didn't even mark up an authorization bill until late July, a month and a half after the appropriation bill passed the House. His bill never even went to the floor for a vote. Come on, now. We've all learned Legislation 101, that Congress first authorizes, then appropriates.

Today, under Democratic leadership, we are considering a timely, thorough and thoughtful authorization bill that has the input of numerous committees.

This is the earliest a Homeland Security authorization bill has ever appeared on the floor. It also bears mention that it is on the floor before the appropriations bill. America is not interested in congressional infighting but in getting the job done. We are doing just that.

I urge my colleagues on both sides of the aisle to support my manager's amendment.

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

Mr. KING of New York. Mr. Chairman, I claim time in opposition to the manager's amendment.

The Acting CHAIRMAN. The gentleman from New York is recognized for 5 minutes.

Mr. KING of New York. I recognize myself for as much time as I may consume.

Mr. Chairman, I understand the chairman's dilemma. The bottom line is we did pass a very strong bill out of committee. And let's just again delineate some of those provisions which were unanimously agreed to and have been agreed to: Language on maritime alien smuggling; language which would have monitored the activities of foreign students and visitors; biometric identification of illegal aliens; expanding the use of interoperability grants, which is so much needed by our local law enforcement and first responders; authorizing the Secret Service and its functions; increasing the authorizations of the Secret Service to provide security to Presidential candidates; prohibiting grants to universities which bar Coast Guard recruiters. It eliminated a report on Secret Service training facilities. And, as Mr. MCCAUL said before, it eliminated the provision providing for a National Bio and Agro Defense facility.

Also, more significantly, if we go to the heart of the 9/11 Commission, it eliminated the language calling for a sense of Congress that the homeland security be in fact the focal point and the central point when it comes to legislation on homeland security and also when it comes to overseeing the Department of Homeland Security.

Now the chairman has gone back in history to talk about what happened in the past. The fact is, this is a growing committee, and we all have to make decisions. We have to make value-based decisions. We have to make prudent decisions.

I was the chairman last year; and I did not go for an authorization bill

early on in the year because I thought it was important, in establishing the jurisdiction of the committee, that we go forward and adopt the most far-reaching port security bill ever enacted and, in doing so, confronting jurisdictional impediments thrown at us by other committees.

We did that. It was a long, hard fight. It began early spring and wasn't concluded until September, but we did conclude it. And not only did we enact solid legislation, but, as importantly, we were able to establish our jurisdiction at the expense of competing committees. And I say that not as part of a turf battle, but if we are going to have real homeland security, we have to have a real Homeland Security Committee.

Similarly, when it came to restructuring FEMA, which was a mammoth fight here in the Congress last year, we stood strong through May and June and July and into September; and when the final product came out, it again enhanced the jurisdiction of the Homeland Security Committee.

Also, on the issue of chemical plant security, we fought hard on that. We fought hard for our language, and we got it in. It was part of the omnibus appropriation, and that language again established the Committee on Homeland Security as the primary committee on that issue.

□ 1445

So these were all solid steps forward made by the committee.

Now, I understand the chairman's dilemma. I am not here to take cheap shots. I realize how tough this can be. But my point is, when we had such a solid vote, a unanimous vote coming out of committee, I think more should have been done in resisting the efforts of the other chairmen and of the Democratic leadership to strip so many of the provisions. Almost half of the provisions have been stripped out altogether or dramatically modified. So I do see this, unfortunately, as a step backwards. Certainly not a step forward.

I realize the significance of getting the authorization bill done. I am not trying to minimize that. But the fact is, considering the progress we made last year in such significant areas as port security, chemical plant security and the restructuring of FEMA, we could have done better on this authorization bill this year.

Again, I will have to urge a ''no'' vote on this manager's amendment because of the damage which I believe it does to the Committee on Homeland Security. And also, Mr. Chairman, to send a signal, not to Chairman THOMPSON but to the leadership of the House, that we did come forward on our side. We were willing to stand up to the administration and increase spending by over $2 billion more than the administration requests and wants. We did that unanimously on the Republican side. We also again worked with Chairman THOMPSON on the language that he wanted. He worked with us. So we did make that effort at the committee level.

I just wish the same level of bipartisan cooperation was shown at the leadership level of the House of Representatives rather than having the minority excluded altogether, which was never done at the committee level, either under myself or now under Chairman THOMPSON.

Mr. Chairman, with that, I will rest on the eloquence of my previous remarks and yield back the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Chairman, I insert for the RECORD a letter from the chairman and ranking minority member of the Judiciary Committee in support of our legislation but reserving, under rule X, the jurisdiction of their committee.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, May 1, 2007.

Hon. BENNIE G. THOMPSON,
Chairman,
Hon. PETER T. KING,
Ranking Minority Member, Committee on Homeland Security, House of Representatives, Washington, DC.

DEAR MR. THOMPSON AND MR. KING: We are writing regarding the bill H.R. 1684, the ''Department of Homeland Security authorization act for Fiscal Year 2008.'' We understand that the Committee on Homeland Security intends to report this bill in the next few days, and that it may come to the House floor as early as next week.

H.R. 1684 is an ambitious bill that contains a number of provisions that fall within the Rule X jurisdiction of the Committee on the Judiciary rather than the Committee on Homeland Security. Our Committee was not furnished the text of the bill as it will be reported until almost a month after your Committee approved it, and was not consulted regarding any of the provisions in question. As there is not adequate time now for our Committee to take a referral of this bill and appropriately consider these provisions, we would request that they be removed from the bill before its consideration on the floor.

The provisions in question include: section 305; section 507; section 901; section 904; section 906; section 1104; new subsection (d)(2) of 6 U.S.C. 455 as it would be added by section 1109; section 1110; section 1111; section 1120; section 1121; and all of title XII.

Thank you for your attention to our request.

Sincerely,

JOHN CONYERS, JR.
Chairman.
LAMAR SMITH,
Ranking Minority Member.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi (Mr. THOMPSON).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. KING of New York. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Mississippi will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. TOM DAVIS OF VIRGINIA

The Acting CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–136.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. TOM DAVIS of Virginia:

Strike section 407.

The Acting CHAIRMAN. Pursuant to House Resolution 382, the gentleman from Virginia (Mr. TOM DAVIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

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

Mr. Chairman, my amendment will remove from this legislation a very dangerous and costly restriction on the government's ability to obtain protective gear, apparel and other materials that are critical to those charged with protecting our Nation.

Is 9/11 already such a distant memory that we are willing to sacrifice the safety of those protecting our country in order to delude ourselves into believing we are saving jobs? Are there Members of this House who believe we should not be doing everything we can to make sure that our Customs Officers, our Border Patrol agents, our Air Marshals have the best protective gear, the best bulletproof vest, the best body armor available in the world when we go out and purchase this for them? Wherever it is made, we want them to have the best.

Make no mistake about it, a vote against my amendment is a vote to jeopardize the safety and security of the agents and officers protecting our country by restricting the sourcing and our ability to buy the best available around the globe.

What is more, section 407 limits competition, which ends up driving up taxpayer costs, and it limits the Homeland Security Department's ability to obtain the best products to protect our homeland.

Members should not be conned into thinking that domestic source restrictions, ''Buy America,'' save jobs. Time and time again, these shortsighted restrictions have ended up costing us more American jobs than they save, as our trading partners then take retaliatory action against American-made goods and services that we sell abroad. We should remember that we are only 4 percent of the world's consumers here in the United States. Pretty soon, with these kind of source restrictions on what America can buy and sell, we are going to be selling only to ourselves.

Restrictions such as these jeopardize national security; do not make available to us the most modern technologies, the best body armor, the best

bulletproof vests in the world. The highest technology available in the world for ID cards could be eliminated under this amendment. It hamstrings market competition by eliminating who can bid on these contracts, it leads to higher prices and lower quality goods and services, and it wastes precious taxpayer dollars.

I think by supporting homeland security, you should support our amendment to strike section 407.

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

Mr. ETHERIDGE. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The Acting CHAIRMAN. The gentleman from North Carolina is recognized for 5 minutes.

Mr. ETHERIDGE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to this amendment because section 407 that my colleague wants to strike has one purpose, to strengthen our national security. It is a commonsense provision that says that sensitive materials, uniforms, protective gear, badges and identification cards should be produced and shipped only within the United States of America. It has a flexible provision that contains an exception for when materials are not available domestically of an acceptable quality or at market value. As long as the Secretary certifies that national security will be protected, he may do it. So if one of our allies makes an item of protective gear that is not available domestically, it will still be available to the Department.

Additionally, it does not apply to purchases made outside the United States for use outside the United States. So if an agent or officer is overseas and needs a bulletproof vest or other piece of protective gear quickly, he or she can get it.

Our national security could be compromised if terrorists, smugglers or other would-be counterfeiters had ready access to the Department of Homeland Security's uniforms, protective gear or ID cards.

This amendment would remove or reduce the opportunity for terrorists or others with bad intentions to pose as Homeland Security officials or officers. It is not uncommon for cargo to be hijacked or lost, particularly in the staging areas at our Nation's ports-of-entry.

The potential theft of uniforms, badges or ID cards, by the truckload it could be, poses a clear threat. In years past, there have been several reports on the overseas manufacture of uniforms for the Department of Homeland Security's operational components. Indeed, most Americans would be shocked to learn that Border Patrol uniforms have been manufactured in Mexico and other countries. This ongoing practice raises legitimate security concerns, not only at the border but all across this country, which is what this provision addresses.

For that reason, I oppose this amendment, and I urge my colleagues to join me in rejecting it.

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

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

Mr. Chairman, one of the difficulties in our procurement system today in government is that we try to reach too many competing policy goals in the way that we buy goods and services. When we use taxpayer dollars, when we take hard-earned money from our taxpayers and the government needs a good or a service, our purpose ought to be to buy the best good and the best service and get the best value for our tax dollars, period. That is what we do when we buy our cars. That is what we do when we add additions to our home. The government should be subject to the same rules and regulations.

In this particular case, there is no safety issue over where these materials may be made. That is a subterfuge. What this is is an attempt to try to protect American jobs in some ways, and of course, the end result is you lose them in others.

But by reaching these competing goals in procurement through set-asides, where we exclude parts of the economic system from bidding, this ''Buy America'' language is another effort another effort to restrict competition. We end up driving up costs for the taxpayers. We don't make use, many times, of the best technology. Although there is catch-all language in this and other ''Buy America'' language that allows the Secretary to certify certain things, in point of fact, they don't work. They are reluctant to do that, and you end up many times with higher-costing goods of the same order. That reduces our ability to use taxpayer dollars wisely.

In a global economy, American taxpayers should get the benefit of the best value when we go out and use our dollars to buy goods and services. Restrictions on competition like this means that tax dollars are limited in their choices. Fewer choices means inferior products. It means greater costs. It means less competition. Section 407 of this legislation restricts competition, and it should be restricted.

My amendment is endorsed by the U.S. Chamber of Commerce, by the Information Technology Association of America as well. I think every taxpayer ought to be concerned about how their tax dollars are spent.

Mr. Chairman, I appreciate the gentleman from North Carolina and his position in the area that he represents, but I just don't think these restrictive source provisions over the long term are in the American taxpayers' interests.

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

Mr. ETHERIDGE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I admire the gentleman, but I think, in this case, we are talking about an issue that transcends the issues we are talking about. We are talking about the safety and security of American people.

I believe in trade. I have supported it. But there are issues that are paramount to the security and protection of the American people. I think this is one where it goes to the badges and the uniforms that our men and women use to protect Americans' interests.

So, with that, I would urge a ''no'' vote on this amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. TOM DAVIS).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. ETHERIDGE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. LANGEVIN

The Acting CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110–136.

Mr. LANGEVIN. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. LANGEVIN:

At the end of title XI add the following:

SEC. ___. COOPERATIVE AGREEMENT WITH NATIONAL ORGANIZATION ON DISABILITY TO CARRY OUT EMERGENCY PREPAREDNESS INITIATIVE.

The Administrator of the Federal Emergency Management Agency, in coordination with the Disability Coordinator of the Department of Homeland Security and the Office for Civil Rights and Civil Liberties of the Department, shall use amounts authorized under section 101 to enter into a cooperative agreement with the National Organization on Disability to carry out the Emergency Preparedness Initiative of such organization.

The Acting CHAIRMAN. Pursuant to House Resolution 382, the gentleman from Rhode Island (Mr. LANGEVIN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Rhode Island.

Mr. LANGEVIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am certainly grateful for the opportunity to offer this amendment, which would simply direct officials at the Department of Homeland Security to work with the National Organization on Disability on their Emergency Preparedness Initiative.

We all know that people with disabilities face unique challenges in their daily lives. They range from mobility

impairment to communications barriers, and they can become substantial obstacles in an emergency.

As we take steps to make our Nation a safer place, it is critical to keep in mind that if we neglect issues of accessibility and inclusion in our planning, the problems that surface later will be more complicated, more expensive and, in some cases, could cost people their lives.

After September 11, the National Organization on Disability, or NOD, as it is known, showed tremendous leadership by launching the Emergency Preparedness Initiative, or EPI, to ensure that emergency managers address disability concerns and that people with disabilities are included at all levels of emergency preparedness, planning, response and recovery. Indeed, this time of planning serves all those with special needs, not just individuals with disabilities but also the elderly and other vulnerable populations.

Now, with support from Congress and many in the disability community, EPI has become firmly established within the emergency management industry and among disability advocate organizations.

In my capacity as cochair of the Bipartisan Disabilities Caucus, I have worked closely with representatives from EPI to highlight these issues here on Capitol Hill and throughout the Nation. The work they are doing is a critical component to our national security, and I am proud to support their efforts.

□ 1500

As we work to keep all Americans safe and secure, I urge my colleagues to support this amendment.

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

Mr. KING of New York. Mr. Chairman, I rise to claim the time in opposition, although I will not oppose the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from New York is recognized for 5 minutes.

There was no objection.

Mr. KING of New York. Mr. Chairman, I urge its adoption, and I yield back the balance of my time.

Mr. LANGEVIN. Mr. Chairman, I thank the ranking member for his sensitivity and his foresight.

Again, I urge my colleagues to look seriously at this amendment. Again, it is vital that we think ahead of time at what people with special needs may need in an emergency situation. So many people who lost their lives, both on 9/11 and as a result of Hurricane Katrina, were people with disabilities in particular. The tragic loss of life across the board was incredibly sad.

We want to make sure where we can prevent loss of life we do so and made sure that those with special needs are not forgotten and their needs are a forethought rather than an afterthought. That is what EPI is all about. I commend them for their hard work in putting together their emergency preparedness plans and working with emergency management officials to include the needs of people with disabilities. I urge adoption of the amendment.

Having no further speakers, Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Rhode Island (Mr. LANGEVIN).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. ANDREWS

The Acting CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110–136.

Mr. ANDREWS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. ANDREWS:

Insert after section 513 the following new section:

SEC. 514. TERMINATION OF EMPLOYMENT OF VOLUNTEER FIREFIGHTERS AND EMERGENCY MEDICAL PERSONNEL PROHIBITED.

(a) TERMINATION PROHIBITED.—

(1) IN GENERAL.—No employee may be terminated, demoted, or in any other manner discriminated against in the terms and conditions of employment because such employee is absent from or late to the employee's employment for the purpose of serving as a volunteer firefighter or providing volunteer emergency medical services as part of a response to an emergency or major disaster.

(2) DEPLOYMENT.—The prohibition in paragraph (1) shall apply to an employee serving as a volunteer firefighter or providing volunteer emergency medical services if such employee—

(A) is specifically deployed to respond to the emergency or major disaster in accordance with a coordinated national deployment system such as the Emergency Management Assistance Compact or a pre-existing mutual aid agreement; or

(B) is a volunteer firefighter who—

(i) is a member of a qualified volunteer fire department that is located in the State in which the emergency or major disaster occurred;

(ii) is not a member of a qualified fire department that has a mutual aid agreement with a community affected by such emergency or major disaster; and

(iii) has been deployed by the emergency management agency of such State to respond to such emergency or major disaster.

(3) LIMITATIONS.—The prohibition in paragraph (1) shall not apply to an employee who—

(A) is absent from the employee's employment for the purpose described in paragraph (1) for more than 14 days per calendar year;

(B) responds to the emergency or major disaster without being officially deployed as described in paragraph (2); or

(C) fails to provide the written verification described in paragraph (5) within a reasonable period of time.

(4) WITHHOLDING OF PAY.—An employer may reduce an employee's regular pay for any time that the employee is absent from the employee's employment for the purpose described in paragraph (1).

(5) VERIFICATION.—An employer may require an employee to provide a written verification from the official of the Federal Emergency Management Agency supervising the Federal response to the emergency or major disaster or a local or State official managing the local or State response to the emergency or major disaster that states—

(A) the employee responded to the emergency or major disaster in an official capacity; and

(B) the schedule and dates of the employee's participation in such response.

(6) REASONABLE NOTICE REQUIRED.—An employee who may be absent from or late to the employee's employment for the purpose described in paragraph (1) shall—

(A) make a reasonable effort to notify the employee's employer of such absence; and

(B) continue to provide reasonable notifications over the course of such absence.

(b) RIGHT OF ACTION.—

(1) RIGHT OF ACTION.—An individual who has been terminated, demoted, or in any other manner discriminated against in the terms and conditions of employment in violation of the prohibition described in subsection (a) may bring, in a district court of the United States of appropriate jurisdiction, a civil action against individual's employer seeking—

(A) reinstatement of the individual's former employment;

(B) payment of back wages;

(C) reinstatement of benefits; and

(D) if the employment granted seniority rights, reinstatement of seniority rights.

(2) LIMITATION.—The individual shall commence a civil action under this section not later than 1 year after the date of the violation of the prohibition described in subsection (a).

(c) STUDY AND REPORT.—

(1) STUDY.—The Secretary of Labor shall conduct a study on the impact that the requirements of this section could have on the employers of volunteer firefighters or individuals who provide volunteer emergency medical services and who may be called on to respond to an emergency or major disaster.

(2) REPORT.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Labor shall submit a report of the study conducted under paragraph (1) to the Committee on Health, Education, Labor, and Pensions and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Education and the Workforce and the Committee on Small Business of the House of Representatives.

(d) DEFINITIONS.—In this section—

(1) the term ''emergency'' has the meaning given such term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122);

(2) the term ''major disaster'' has the meanings given such term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122);

(3) the term ''qualified volunteer fire department'' has the meaning given such term in section 150(e) of the Internal Revenue Code of 1986;

(4) the term ''volunteer emergency medical services'' means emergency medical services performed on a voluntary basis for a fire department or other emergency organization; and

(5) the term ''volunteer firefighter'' means an individual who is a member in good standing of a qualified volunteer fire department.

Amend the table of contents by adding, after the item relating to section 513, the following new item:

Sec. 514. Termination of employment of volunteer firefighters and emergency medical personnel prohibited.

The Acting CHAIRMAN. Pursuant to House Resolution 382, the gentleman

from New Jersey (Mr. ANDREWS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. ANDREWS. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, I would like to thank those involved in this bipartisan effort for a commonsense idea. I would especially like to thank my new colleague, Ms. SHEA-PORTER from New Hampshire, who has shown great interest in the volunteer fire service; Mr. PASCRELL from New Jersey, who wrote the FIRE Act; the gentleman from Delaware (Mr. CASTLE); and the gentleman from New York (Mr. KUHL), who has long been interested in this issue. I would also like to thank Mr. Matthew Riggins of my office for his participation on this matter.

Here is what the bill says. If a volunteer firefighter or EMT is called to a national emergency as declared under the relevant statutes and that volunteer responds to a call, not self-volunteers but responds to a call, that person should have protection when they go back to his or her job. They shouldn't be fired, they shouldn't be disciplined, they shouldn't have their pay docked for up to 14 days in each calendar year.

The service that is performed by our volunteer firefighters and EMTs across this country is enormous and enormously important. We believe that none of those individuals should have the burden of suffering problems at work because of their voluntary spirit. Again, one cannot self-volunteer. Again, the emergency must be sufficient in scope for a Presidential declaration.

We believe this makes good sense, and it is a good bipartisan issue, and I urge Members of the House to vote ''yes.''

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

Mr. KING of New York. Mr. Chairman, I claim the time in opposition, even though I am not opposed to the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from New York is recognized for 5 minutes.

There was no objection.

Mr. KING of New York. Mr. Chairman, I yield 3 minutes to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Chairman, I thank the ranking member from New York for yielding me this time.

I rise in strong support of this amendment. I believe its passage is important to ensure that our local first responders are prepared for major disasters.

Over the years, volunteer firefighters and EMS personnel have repeatedly answered the call of duty. In fact, my home State of Delaware, which is served almost entirely by volunteer firefighters, sent 37 ambulances to New York City on September 11. In the wake of Hurricane Katrina, as fires spread throughout New Orleans and survivors struggled to find dry land, volunteer firefighters and EMS personnel rose to the occasion and proved to be crucial in the massive rescue operation.

Unfortunately, under current law, volunteer firefighters and EMS personnel are not protected from termination or demotion by their employer when they respond to national disasters.

As a result, just a few weeks after Hurricane Katrina destroyed the gulf coast, a group of us got together here on Capitol Hill to craft this legislation which will make certain that our volunteer responders are more readily available to assist local authorities in major disasters.

This proposal is similar to the job protections given to members of the National Guard who serve their country on the battlefield, and it will go a long way in enhancing our ability to respond to catastrophic events and save lives.

Mr. Chairman, last Congress, we collected over 70 bipartisan co-sponsors on this legislation. I appreciate the support of the gentleman from New Jersey and his introduction of this and all the others who have been involved. I urge Members to support this amendment.

Mr. ANDREWS. Mr. Chairman, I now yield to a new Member who has shown a real affinity for and commitment to these issues in her short time here, the gentlewoman from New Hampshire (Ms. SHEA-PORTER) for 2 minutes.

Ms. SHEA-PORTER. Mr. Chairman, I rise as a proud sponsor of this amendment, the Volunteer Firefighter and EMS Personnel Protection Act. The bill will provide job protection to the brave men and women who volunteer their time as firefighters and EMTs during national disasters.

Some volunteers put their lives on hold to help others. Others literally put their lives on the line.

When Hurricane Katrina hit in 2005, our Nation's emergency services were overcome by the immensity of the disaster. Almost 400,000 people were displaced from their homes. The images of this tragedy will be seared in our minds forever.

In the aftermath of the hurricane, I went down to do a very small part to help those, and I saw the devastation. But in a disaster of the magnitude of Hurricane Katrina or the recent tragedy in Kansas, we need more than an extra pair of hands. When our Nation's emergency services are overwhelmed, we need highly skilled professionals who can step in to provide such help.

More than 800,000 skilled first responders volunteer for such emergencies each year. Volunteer firefighters and emergency medical technicians, EMTs, are a critical part of this effort. They are fighting fires and providing essential medical care. They are saving lives.

But, under current law, when volunteer firefighters and EMTs return to their homes, there is no guarantee that they will still have their jobs. They can do the right thing for America and find out they are left out in the cold. In effect, when disaster strikes, these first responders are forced sometimes to decide between helping others and having the security of knowing they still have their jobs when they go home.

This amendment would change all that. It would guarantee volunteer firefighters and EMT the right to keep their job when they respond in a national emergency and allow them to volunteer 14 days per calendar year when they act in an official capacity.

Our Nation absolutely needs highly skilled professionals who are willing to leave their homes and their jobs to help save lives. Congress can help support our volunteer firefighters and EMTs. I urge my colleagues to vote ''yes.''

Mr. KING of New York. Mr. Chairman, I reserve the balance of my time.

Mr. ANDREWS. Mr. Chairman, I yield the balance of my time to the gentleman from New Jersey (Mr. PASCRELL), the author of the FIRE Act.

Mr. KING of New York. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, I thank Mr. ANDREWS and the ranking member, my good friend from New York.

In the book of Isaiah, chapter 6, the question is very specific: Who shall I send?

Volunteers come forward all the time. They come through for us every time. They come through. Three thousand of them came through after 9/11. Thousands and thousands came through after Hurricane Katrina. As we go to the very heart and soul of this great Nation, let us serve these volunteers. Let us serve.

I have spoken with these volunteers not only in New Jersey but throughout this great Nation. They always respond after these tragedies, and I said ''thank you.'' We are saying thank you, and we mean it. We are willing to put it in a law, a law of this Nation.

I am honored to co-sponsor this and join with ROB ANDREWS, who has been a tremendous leader in public safety issues throughout the United States, and CAROL SHEA-PORTER and Mr. CASTLE, real friends of the fire service.

How we respond to catastrophes shows the character of our Nation. How we treat our emergency responders shows who we are as people. We take them for granted. Let's be honest. Congress must do everything in its power to help those who help others.

We have heard about the 14 days a year as they carry out their duties. But, simply put, volunteers should not be penalized when they are off protecting lives of their fellow citizens. No volunteer should be terminated or demoted or discriminated against in their regular job when they are dealing with emergencies and providing vital assistance to the American family.

This amendment ensures that the major contributions of volunteers can and will continue. It ensures that those who have the calling to help will not have to worry about the ramifications of their nobility. It is a wise amendment. It is a bipartisan amendment. I ask for the full support of everyone on this floor.

Mr. KING of New York. Mr. Chairman, I yield myself the balance of my time.

Mr. ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. KING of New York. I yield to the gentleman from New Jersey.

Mr. ANDREWS. I did want to thank personally thank the ranking member of the full committee, who is co-Chair of the Congressional Fire Service Caucus, for his support and the chairman of the full committee, Mr. THOMPSON, for his enthusiastic support for this amendment.

Mr. KING of New York. Mr. Chairman, I thank the gentleman from New Jersey (Mr. ANDREWS), Mr. PASCRELL, Mr. CASTLE, and all of the others in the House who support this amendment. Because 9/11 changed our lives in many ways, but one of the most dramatic ways is that it made our first responders and our volunteer firefighters front-line warriors in the war against Islamic terrorism. That is why it is essential that they receive the same protections as our warriors fighting overseas. They are at the front line and deserve our support. I am proud to support the amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. ANDREWS).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MS. CORRINE BROWN OF FLORIDA

The Acting CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 110–136.

Ms. CORRINE BROWN of Florida. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Ms. CORRINE BROWN of Florida:

Insert at the end of title XI the following:

SEC. 1122. CONSIDERATION OF TOURISM IN AWARDING URBAN AREA SECURITY INITIATIVE GRANTS.

In awarding grants under the Urban Area Security Initiative, the Secretary of Homeland Security shall take into consideration the number of tourists that have visited an urban area in the two years preceding the year during which the Secretary awards the grant.

The Acting CHAIRMAN. Pursuant to House Resolution 382, the gentlewoman from Florida (Ms. CORRINE BROWN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. CORRINE BROWN of Florida. Mr. Chairman, I rise today to urge my colleagues to support my amendment.

This amendment would direct the Secretary of Homeland Security to consider the number of tourists who have visited an urban area in the 2 years preceding the year the Secretary awards Urban Area Security Initiative Grants.

Urban Area Security Initiative Grants are designed to fund activities to prevent, protect against, and respond to terrorist attacks and catastrophic events in designated high-threat, high-risk urban areas.

□ 1515

The Department of Homeland Security uses a number of factors to allocate funds and assess risks, including special events, theme parks and population. However, a critical element is missing from their list of factors. Homeland Security has yet to explicitly account for tourists as a risk factor when allocating Urban Area Security Initiative Grants.

A recent Congressional Research Service report says due to the potential for mass casualty incidents and economic damage from terrorist attacks, tourist locations are at risk. In addition to the location of tourist destinations, the tourist population could possibly be at risk, too.

Heavy tourist areas present a twofold incentive for terrorists: a high probability of a sizeable number of casualties and damage to the economy. A 2005 study by the Rand Corporation found that terrorists have an increased concentration on civilian targets and an ongoing emphasis on economic attacks.

Most experts agree the evidence shows that terrorists are seeking to kill as many people as possible. The high number of tourists who are staying at any given time in tourist magnets such as Orlando or Miami significantly increases the potential consequence of an attack in those cities. Congress cannot let terrorists exploit this gap in our grant funding.

In addition, the economic danger resulting from a terrorist attack on a tourist location is another incentive. Terrorist attacks depress consumer confidence and spending that hurts businesses, undermines investment and our overall economic condition. Congress must ensure that the Department of Homeland Security considers this incentive for terrorists when distributing Urban Area Security Initiative Grants.

In past years, concerns were raised that the Department did not adequately account for the large tourist population in cities such as Las Vegas, Orlando and San Diego when they calculated the risk for our Nation's urban areas. In fact, in fiscal year 2006, Las Vegas and San Diego were left off the list of the top 35 cities that were eligible to receive grants under the UASI program.

The Department of Homeland Security has been very secretive regarding how Urban Area Security Initiative Grants are allocated. A recent General Accountability Office report stated, ''DHS has not provided us documentation on what analyses were conducted, how they were conducted, how they were used and how they affected the final risk assessment scores and relative rankings.''

The Department of Homeland Security has made claims that they consider tourist populations, but the problem is Homeland Security has not been specific regarding risk assessment methods or providing Congress adequate information to prove that they have done so. Although the Department of Homeland Security made administrative changes to the fiscal year 2007 grant process to account for tourist populations, my amendment would clearly codify this change.

I urge my colleagues to adopt this amendment.

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

Mr. KING of New York. Mr. Chairman, I rise to claim the time in opposition.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. KING of New York. Mr. Chairman, I yield myself as much time as I may consume, and I would say at the outset that my understanding is that this is already factored in by the Department of Homeland Security, the whole issue of tourism. Also, similar language is included in H.R. 1 and S. 4 which currently are ready to go to conference.

Having said that, no harm, no foul. I have no objection to the language. I think it is unnecessary, but having said that, I will not oppose the amendment.

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

Ms. CORRINE BROWN of Florida. Mr. Chairman, how much time do I have?

The Acting CHAIRMAN. The gentlewoman from Florida has 1 minute remaining.

Ms. CORRINE BROWN of Florida. Mr. Chairman, I yield the remaining time to the gentleman from Texas (Mr. AL GREEN).

Mr. AL GREEN of Texas. Mr. Chairman, I thank the gentlewoman, and I commend her for bringing this amendment to the floor.

This amendment is going to accord the kind of protection that tourists deserve and should receive in high-density areas. It is odd that Las Vegas, Orlando and San Diego were not adequately considered. We are talking about $746.9 million that will be allocated to 46 urban areas.

I strongly support the amendment. It will provide the protection that tourists richly deserve.

Ms. CORRINE BROWN of Florida. Mr. Chairman, I am asking that the ranking member on the other side yield 1 minute to Ms. BERKLEY because I think I am out of time.

The Acting CHAIRMAN. The gentleman from New York (Mr. KING) has already yielded back the balance of his

time. The gentlewoman from Florida (Ms. CORRINE BROWN) does have 28 seconds remaining.

Ms. CORRINE BROWN of Florida. Mr. Chairman, I yield 28 seconds to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Chairman, I thank Ms. BROWN for introducing this.

This is essential that we provide the necessary resources for those areas in our country that have a high number of tourists. Las Vegas is home to 1.9 million residents, but at any given time, we have over 300,000 visitors.

Now, God forbid anything should happen, they are not in the formula, but they are the ones that are going to be most needy because they are away from home. They do not know how to access facilities. We need to provide for these people, and I suspect that that is the case at all tourist destinations.

I rise in support of this amendment, which ensures that we take tourism into account when calculating a city's homeland security risk level. The Urban Area Security Initiative (UASI) addresses the homeland security needs of high-threat, high-density Urban Areas, and assists them in preventing, and recovering from acts of terrorism.

Las Vegas, my district, is a rapidly growing city, but it is even bigger when you add the 40 million tourists who visit our city every year. These tourists are particularly vulnerable because they are far from home and aren't familiar with our city. Al Qaeda and other terrorist groups have made it clear they intend to attack our most vulnerable populations, where they can do the most harm to our economy and our confidence.

The areas Mrs. BROWN and I represent are dependent on tourism and the dollars they bring in. It is therefore essential that tourists be included in any risk assessments for homeland security.

And yet, last year, Las Vegas was left off the list entirely due to various data errors and thoughtless criteria. Over 100,000 tourists per day were completely overlooked. I worked with the Department of Homeland Security to ensure that Las Vegas was ultimately included, but there is no guarantee it couldn't happen again.

Thankfully, this amendment would make sure that—by law—tourism would be taken into account when calculating risk. It's the right thing to do, it's the smart thing to do and it's the safe thing to do. I urge support for this amendment and thank the gentlewoman from Florida.

The Acting CHAIRMAN. All time for debate has expired on this amendment.

The question is on the amendment offered by the gentlewoman from Florida (Ms. CORRINE BROWN).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. CASTLE

The Acting CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 110–136.

Mr. CASTLE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. CASTLE:

At the end of title XI, insert the following:

SEC. ___. STUDY OF FOREIGN RAIL SECURITY PRACTICES.

The Secretary shall—

(1) study select foreign rail security practices, and the cost and feasibility of implementing selected best practices that are not currently used in the United States, including—

(A) implementing covert testing processes to evaluate the effectiveness of rail system security personnel;

(B) implementing practices used by foreign rail operators that integrate security into infrastructure design;

(C) implementing random searches or screening of passengers and their baggage; and

(D) establishing and maintaining an information clearinghouse on existing and emergency security technologies and security best practices used in the passenger rail industry both in the United States and abroad; and

(2) report the results of the study, together with any recommendations that the Secretary may have for implementing covert testing, practices for integrating security in infrastructure design, random searches or screenings, and an information clearinghouse to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives not later than 1 year after the date of enactment of this Act.

The Acting CHAIRMAN. Pursuant to House Resolution 382, the gentleman from Delaware (Mr. CASTLE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Delaware.

Mr. CASTLE. Mr. Chairman, I yield myself such time as I may consume.

I rise to offer a critical amendment to this legislation before us today.

Yesterday, it was revealed that several individuals operating out of the Philadelphia area had plotted to attack key installations in the Northeast, including Fort Dix, New Jersey, and Dover Air Force Base in my home State of Delaware. While the tremendous work of our law enforcement community prevented these attacks from taking place, this case serves as a clear reminder that terrorists are intent on attacking us wherever we are vulnerable.

One of our greatest vulnerabilities remains our mass transit systems, which move millions of people every year. In fact, terrorists are increasingly targeting rail and transit systems throughout the world, and the recent bombings in India, London and Madrid are clear evidence of this dangerous trend.

While the concept of rail security is relatively new here at home, security officials in Europe and Asia have decades of experience with terrorist attacks, and I have long believed in the importance of leveraging this experience to improve our own system.

In 2003, I asked the General Accountability Office to undertake an in-depth study of foreign rail security practices. Over the course of several months, the GAO team visited 13 different foreign rail systems, and its subsequent report identified several innovative measures to secure rail systems, many of which are currently being used in the United States.

Most significantly, however, the GAO report identified four important foreign rail security practices that are not currently being used to any great extent in the United States.

First, the report found that other nations had improved the vigilance of their security staff by performing daily unannounced events, known as covert testing, to gauge responsiveness to incidents such as suspicious packages or open emergency doors.

Similarly, two of the 13 foreign operators interviewed by GAO also reported success using some form of random screening to search passengers and baggage for bombs and other suspicious materials. This practice has been used sporadically in the U.S., including in New York City following the 2005 London bombings, but it has never been implemented for any continuous period of time.

The GAO also noted that many foreign governments maintain a national clearinghouse on security technologies and best practices. Such a government-sponsored database would allow rail operators to have one central source of information on the merits of rail security technology, like chemical sensors and surveillance equipment.

Finally, while GAO noted that the Department of Transportation has taken steps to encourage rail operators to consider security when renovating or constructing facilities, many foreign operators are still far more advanced when it comes to incorporating aspects of security into infrastructure design.

For example, this photograph of the London Underground demonstrates several security upgrades, such as vending machines with sloped tops to reduce the likelihood of a bomb being placed there, clear trash bins and netting throughout the station to prevent objects from being left in recessed areas. As you can see, the London stations are also designed to provide security staff with clear lines of sight to all areas of the station, including underneath benches and ticket machines.

The British Government has praised these measures for deterring terrorist attacks, and in one incident, their security cameras recorded IRA terrorists attempting to place an explosive device inside a station. According to London officials, due to infrastructure design improvements, the terrorists were deterred when they could not find a suitable location to hide the device inside the station.

While the GAO acknowledged that deploying these four practices in this country may be difficult, in fact random screening may pose many challenges, it is clear that these foreign security techniques deserve greater consideration.

Therefore, the amendment I am offering today would take steps to improve rail and transit security by requiring the Secretary of Homeland Security to study the cost and feasibility of implementing these practices and submit a report making recommendations to the Homeland Security and Transportation Committees within 1 year of enactment.

Mr. Chairman, recent attacks on rail and transit throughout the world underscore the importance of acting now to upgrade security here at home. My amendment will make certain that we are knowledgable and consider all available options when it comes to ensuring the safety and security of our rail system.

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

Mr. AL GREEN of Texas. Mr. Chairman, I rise to claim the time in opposition to the amendment. However, I do not oppose the amendment.

The Acting CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. AL GREEN of Texas. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Mr. Chairman, I rise in support of the amendment.

As chair of the Rail Subcommittee, we have done initial studies, and we have found that we are celebrating the anniversary of the bombing in Madrid, the bombing in London, the bombing in India, and yet the administration has not come forward with recommendations as to how to secure our rail system, how to implement a program to safeguard that we do not have this kind of attack on homeland security here in the United States.

So I strongly support the amendment.

March 11th marked the third anniversary of the train bombings in Madrid, and we have seen terrorist attacks in London and India in each year since. Yet the Bush Administration and past Republican leadership has done little to protect our Nation's freight rail or the millions of passengers that use public transportation every day.

The anniversary of this terrible tragedy again raises the serious question of whether we are prepared in this country for a similar attack. Sadly, that answer is a resounding NO. But with the passage of this legislation, we will start investing the money that is needed to safeguard our rail and transit infrastructure from those who wish us harm.

The Federal Government has focused most of its attention on enhancing security in the airline industry and has largely ignored the needs of public transit agencies and railroads. Yet, worldwide, more terrorist attacks have occurred on transit and rail systems since 9/11 than on airlines.

In 2006, we dedicated $4.7 billion to the airline industry for security, while 6,000 public transit agencies and one national passenger railroad, Amtrak, had to share a meager $136 million total for security upgrades. Nothing was provided to the 532 freight railroads for security upgrades.

Fortunately for the traveling public, the legislation on the floor today will address the security challenges facing our Nation's transit and rail systems.

This bill requires comprehensive security plans; strengthens whistleblower protections for workers; mandates security training; improves communication and intelligence sharing; authorizes a higher-level of grant funding for Amtrak, the freight railroads, and public transportation providers; and provides funding for life-safety improvements to the tunnels in New York, Boston, and Washington, DC.

Most importantly, it helps make sure our communities, our First Responders, and our transit and rail workers are safe and secure. And it does all of this through a coordinated effort between the Department of Homeland Security and the Department of Transportation, the agency that has the expertise to deal with transportation safety issues.

We are way behind many other countries in protecting our transit and rail systems, but with the new leadership in Congress and this comprehensive legislation, we have a plan that will protect millions of transit and rail passengers and the communities through which freight railroads operate from harm, while keeping the trains running on time.

I encourage all my colleagues to do the right thing for your constituents and support this long overdue rail and transit security legislation.

Mr. CASTLE. How much time do I have left, Mr. Chairman?

The Acting CHAIRMAN. The gentleman from Delaware has 1 minute remaining.

Mr. CASTLE. Mr. Chairman, let me just close by thanking those on the other side who have spoken in favor of the amendment and for their support of it. I truly believe that this is a small but a very significant step perhaps in preventing terrorism in mass transit in the United States. It is the reason I hope we all can support it.

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

Mr. AL GREEN of Texas. Mr. Chairman, I yield myself such time as I may consume.

I would like to, if I may, extend, my greatest appreciation to Mr. CASTLE for bringing this amendment to the floor. It is very thoughtful, and it is very timely.

Mr. Speaker, we must learn from the experiences of others. This amendment will provide us an opportunity to study the best practices available and to benefit from these practices by implementing policies and procedures within our country that will help to secure our rail system.

This is a good amendment, and I strongly urge my colleagues to support it. And again, I commend the gentleman for bringing it to the floor.

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

The Acting CHAIRMAN. All time for debate on the amendment having expired, the question is on the amendment offered by the gentleman from Delaware (Mr. CASTLE).

The amendment was agreed to.

□ 1530

AMENDMENT NO. 7 OFFERED BY MR. HASTINGS OF FLORIDA

The Acting CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 110–136.

Mr. HASTINGS of Florida. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. HASTINGS of Florida:

At the end of title XI, insert the following:

SEC. 2211. FEMA RECOVERY OFFICE IN FLORIDA.

(a) ESTABLISHMENT.—To provide eligible Federal assistance to individuals and State, local, and tribal governments affected by Hurricanes Charley, Frances, Ivan, Jeanne, Wilma, Tropical Storm Bonnie, and other future declared emergencies and major disasters, in a customer-focused, expeditious, effective, and consistent manner, the Administrator of the Federal Emergency Management Administration shall maintain a recovery office in the State of Florida for a period of not less than three years after the date of enactment of this Act.

(b) STRUCTURE.—The recovery office shall have an executive director, appointed by the Administrator, who possesses a demonstrated ability and knowledge of emergency management and homeland security, and a senior management team.

(c) RESPONSIBILITIES.—The executive director, in coordination with State, local, and tribal governments, non-profit organizations, including disaster relief organizations, shall—

(1) work cooperatively with local governments to mitigate the impact of a declared emergency or major disaster; and

(2) provide assistance in a timely and effective manner to residents of Florida and other States as determined appropriate by the Administrator for recovery from previous and future declared emergencies and major disasters.

(d) STAFFING.—Staffing levels of the recovery office shall be commensurate with the current and projected workload as determined by the Administrator.

(e) PERFORMANCE MEASURES.—To ensure that the recovery office is meeting its objectives, the Administrator shall identify performance measures that are specific, measurable, achievable, relevant, and timed, including—

(1) public assistance program project worksheet completion rates; and

(2) the length of time taken to reimburse recipients for public assistance.

(f) EVALUATION.—The Administrator shall evaluate the effectiveness and efficiency of the recovery office in the State of Florida in meeting the requirements of this section. Not later than three years after the date of enactment of this Act, the Administrator shall report to the Committee on Transportation and Infrastructure of the House of Representatives on whether continuing to operate such office is necessary.

The Acting CHAIRMAN. Pursuant to House Resolution 382, the gentleman from Florida (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

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

I rise today to offer an amendment to the Department of Homeland Security

bill which would establish in statute, a FEMA Office of Long-Term Recovery in Florida for a period of no less than 3 years.

FEMA initially opened an Office of Long-Term Recovery in Florida following the devastating 2004 hurricane season, which left my home State in peril following the landfall of four Category 3 or greater hurricanes. The results have been incredible, and it hasn't only been residents of my State who benefited from the work that FEMA is doing in Florida and elsewhere.

Since it was created, the office has reduced response times to disasters and helped to mitigate the impact of future storms.

In the first months of the office's existence, FEMA officials were successful in more than doubling public assistance reimbursements from $1 billion to $2 billion. Moreover, the full-time recovery staff, well versed in State and Federal and local policies, was able to rectify the mistakes made by previous emergency management teams.

The permanencies of the staff and the relationships they have cultivated with local governments, nonprofits, communities and Federal officials have reduced FEMA's response time to disasters, saving taxpayers' dollars and lives, while reducing confusion.

From this office, more mitigation funds have gone out to recipients than ever before in FEMA's history. The office also closed down two large-scale housing missions, something never accomplished in all of FEMA's history. Florida's Office of Long-Term Recovery has made FEMA more of a customer-oriented business, where citizens and government alike are better served by more responsive managing.

Congress has already established long-term recovery offices in Mississippi, Louisiana, Alabama and Texas, and rightly so. It would be appropriate that we officially establish a similar one in Florida to serve the State and region. Footnote there, there is a storm off the east coast that has now been named, which is indicative of the fact that we can expect not only Florida but the areas mentioned to continue to have this problem. It is the eve of hurricane season; and the House, acting today, could not be more timely.

Before I conclude, I want to thank the chairman and ranking member of the Homeland Security Committee and the Transportation and Infrastructure Subcommittee. I would like to especially thank, personally, Mr. THOMPSON of Mississippi and Mr. OBERSTAR and my good friend from New York (Mr. KING) and Mr. MICA for their help on this amendment. They all know the great benefit that this office provides for the State of Florida and the entire region, and I ask for my colleagues' support.

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

Mr. KING of New York. Mr. Chairman, I claim the time in opposition.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. KING of New York. Mr. Chairman, I commend the gentleman from Florida. I support his amendment.

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

Mr. HASTINGS of Florida. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. HASTINGS).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 8 printed in House Report 110–136.

AMENDMENT NO. 9 OFFERED BY MR. STUPAK

The Acting CHAIRMAN. It is now in order to consider amendment No. 9 printed in House Report 110–136.

Mr. STUPAK. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. STUPAK:

At the end of title IX, add the following:

SEC. 908. REPORT ON INTEGRATED BORDER ENFORCEMENT TEAM INITIATIVE.

Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report to the Congress on the status of the Integrated Border Enforcement Team (IBET) initiative. The report should include an analysis of current resources allocated to IBETs, an evaluation of progress made since the inception of the program, and recommendations as to the level of resources that would be required to improve the program's effectiveness in the future.

In the table of contents, insert after the item relating to section 907 the following:

Sec. 908. Report on Integrated Border Enforcement Team initiative.

The Acting CHAIRMAN. Pursuant to House Resolution 382, the gentleman from Michigan (Mr. STUPAK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. STUPAK. I want to thank Chairman THOMPSON and the Homeland Security Committee for their work on this bill. I think it's an excellent piece of legislation and will go a long way towards making the Department of Homeland Security more accountable and effective.

Mr. Chairman, I rise to ask my colleagues to support my amendment to H.R. 1684, which would require the Secretary to conduct a study on ways to improve the effectiveness of the Integrated Border Enforcement Team, or IBET program. IBETs are already one of the border's great security success stories of the post-9/11 era. The program grew out of a history of informal cooperation between American and Canadian border protection officers.

In December 2001, the IBET concept was made official as part of the Smart Border Declaration signed by the United States and Canada. As a former law enforcement officer, I know that access to timely, reliable information is one of the most effective, important tools an officer can have. IBETs allow law enforcement officers from along our northern border to collaborate in real time and share information and expertise with their Canadian counterparts.

This strategy has paid off along our northern border. In the past year alone, IBETs helped to break up several organized criminal operations that were smuggling drugs and people into the United States, leading to dozens of arrests and confiscation of millions of dollars in drug and cash.

I have seen firsthand how important this program is to local border protection officers. One of the 15 current IBET sites is in my district in Sault Ste. Marie, Michigan.

The IBET consists of area law enforcement officers from the United States and Canada, including cooperation with county and local police officers, Customs and Border Protection agents, the Coast Guard and Canadian border officers and police officers. The officers involved in this IBET have been unanimous in telling me how much IBET has improved their ability to police the border and make our homeland more safe and secure.

I am concerned, however, that the potential of the IBET has not been fully realized at Sault Ste. Marie and other sites. The Department of Homeland Security has not assigned a full-time officer to monitor and lead the IBET, instead defining IBET as ''collateral duty'' for an officer who already has a full-time job. The previous IBET chairperson was transferred to a post in Miami, leading to a loss of valuable institutional knowledge.

Finally, there is no specific funding line for IBET activities; and direct funding has been minimal, in fact, only $5,000 for 15 IBETs for 2006.

My amendment would require the Secretary to report to Congress on the resources currently being devoted to the IBET program. In addition, the amendment asks the Secretary to make recommendations to Congress on how to make the IBET program even more effective in the future. It is clear that when the IBET program is fully funded and staffed it can be a powerful tool for law enforcement. My amendment is intended to improve accountability and oversight for the IBET program and ensure that all IBETs, not just some, receive the resources they need to be truly effective.

Once again, I would like to thank the chairman and the ranking member for their outstanding work on this bill and for their willingness to support this amendment. I urge support of the Stupak amendment.

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

Mr. KING of New York. Mr. Chairman, I claim the time in opposition.

The Acting CHAIRMAN. The gentleman from New York is recognized for 5 minutes.

Mr. KING of New York. Mr. Chairman, I recognize myself for as much time as I may consume.

Mr. Chairman, I want to commend the gentleman from Michigan for this amendment and for bringing his law enforcement expertise to the Congress in so many ways for so many years. I urge adoption of the amendment.

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

Mr. STUPAK. I appreciate the comments from Mr. KING, and I yield the remaining time to Mr. GREEN, my friend from Texas.

Mr. AL GREEN of Texas. How much time do I have, Mr. Chairman?

The Acting CHAIRMAN. The gentleman from Texas is recognized for 1½ minutes.

Mr. AL GREEN of Texas. Mr. Chairman, I would like to commend Mr. STUPAK for this outstanding amendment. This amendment is one of our best bets; and, hence, I think IBET is a great way to style the team that will be working.

This amendment will accord us an opportunity to have Customs enforcement, the Coast Guard, the immigration authority, Border Patrol, the Royal Canadian Mounted Police all work together to help thwart and hopefully end any human trafficking, drug trafficking, and cross-border terrorist activities that may take place.

This is a very thoughtful amendment. It provides an opportunity for our countries, Canada and the United States, to work together in the best effort possible to secure the northern border.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. STUPAK).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. HASTINGS OF WASHINGTON

The Acting CHAIRMAN. It is now in order to consider amendment No. 10 printed in House Report 110–136.

Mr. HASTINGS of Washington. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. HASTINGS of Washington:

In section 801, amend paragraph (7) to read as follows:

(7) a plan for leveraging the expertise of the National Laboratories, the process for allocating funding to the National Laboratories, and a plan for fulfilling existing National Laboratory infrastructure commitments to maintain current capabilities and meet mission needs; and

The Acting CHAIRMAN. Pursuant to House Resolution 382, the gentleman from Washington (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. HASTINGS of Washington. Mr. Chairman, this amendment would require the Department of Homeland Security, or DHS, to report on a plan for fulfilling its infrastructure commitments at our national laboratories.

I want to thank my two Washington State colleagues, Mr. NORMAN DICKS and Mr. DAVE REICHERT, a member of the committee, for their co-sponsorship of this amendment.

This amendment ensures that national laboratory infrastructure changes will not interrupt security programs needed by DHS.

When DHS was established, it inherited facilities around the Nation and from other agencies, some of which were aging and in need of repair. These capital facilities include critical components involving radiological and nuclear countermeasures, threat vulnerabilities and threat assessments, as well as work on biological and chemical countermeasures. In order for DHS to carry out its mission to protect our Nation, it is critical that the Department have the facilities that it needs.

At the Pacific Northwest National Laboratory, PNNL, in Washington State, critical DHS research and development will be transferred to new facilities as existing labs are torn down for environmental cleanup activities at the 300 Area of the Hanford Federal nuclear site in my district.

In 2006, the DHS Under Secretary for Science and Technology signed an MOU with the Department of Energy and National Nuclear Security Administration that established funding commitments for the agencies involved in the transition of PNNL's facilities from the 300 Area to new lab space. This MOU underscores DHS's critical role in making sure national security related work at PNNL will not be interrupted by this transition.

This amendment I have introduced is not only important to the State of Washington and my constituents but also to our overall national security. I understand that this has been accepted on both sides, and I want to thank Chairman THOMPSON and Ranking Member KING for agreeing to agree with that.

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

Mr. AL GREEN of Texas. Mr. Chairman, I would like to claim time in opposition to the amendment. However, I do not oppose it and, in fact, would like to say a word, if I might, in support of it.

The Acting CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. AL GREEN of Texas. I think this is an appropriate amendment that Mr. HASTINGS has brought to the attention of the House. It is most appropriate that we have a strategic plan that would provide some leverage such that the expertise of the national lab can be properly utilized.

This is a national plan. It is one that is most appropriate, and we support it. We commend the gentleman for bringing it to the attention of the House.

Mr. HASTINGS of Washington. Mr. Chairman, I yield to the ranking member from New York.

Mr. KING of New York. I thank the gentleman from Washington for yielding. I commend him for this amendment, and I strongly urge its adoption.

Mr. DICKS. Mr. Chairman, I am pleased to join the gentleman from Washington, Mr. HASTINGS, in amending H.R. 1684 to emphasize what we believe is an important connection between our national research laboratories and the Department of Homeland Security, DHS.

Our amendment would simply insert in the bill a requirement of the Department to report to Congress about its plan for "leveraging the expertise of the National Laboratories, the process for allocating funding to the National Laboratories and . . . for fulfilling existing National Laboratory infrastructure commitments to maintain current capabilities and mission needs."

I believe the national labs represent a tremendously valuable resource that can and should be used by the Department of Homeland Security to protect our population. With expertise it biological, chemical, radiological and nuclear science and technology and computer and information science the national laboratories—those controlled by the Homeland Security Department as well as the laboratories under the jurisdiction ofl the Department of Energy—can play a vital role in the prevention, deterrence, detection, mitigation and attribution of the use of weapons of mass destruction. DHS has already initiated a series of cooperative arrangements with several of the labs recognizing the great synergy that is possible through combined research efforts.

Congressman HASTINGS and I have been working on one such cooperative program with the Pacific Northwest National Laboratory, PNNL, in the State of Washington. Under a Memorandum of Understanding, the Department of Homeland Security, the Energy Department's National Nuclear Security Administration and DOE's Office of Science are contributing to PNNL's Capability Replacement Laboratory, CRL, to replace mission critical RDT&E capabilities that will be otherwise lost as a result of the Department of Energy Environmental Management Office's accelerated cleanup of Hanford's 300 Area. Among the capabilities of the CRL that should and will be utilized by DHS are radiation detection and analysis, information analytics, and the testing, evaluation and certification of new methods and technologies.

According to the interagency MOU signed by all parties, DHS was expected to provide $25 million for the project in FY 2008; however, the President's budget does not include the funds. With construction scheduled to begin this year, we are now worried about the future of this project due to the lack of attention to this issue at DHS.

Although Congressman HASTINGS and I are working to correct this situation in the FY 2008 budget, I believe this situation highlights the need to examine more closely the relationship of the labs to the Department's R&D effort. Thus, our amendment calls for a report to Congress on the Homeland Security Department's strategic plan for its research efforts to include a plan for fulfilling existing national laboratory infrastructure commitments in order to maintain current capabilities and mission needs.

Our hope is that such a public clarification of the role of the labs can help the Department to make a stronger case to Congress for

the importance of the work at PNNL as well as the other important national research laboratories.

Mr. HASTINGS of Washington. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. HASTINGS).

The amendment was agreed to.

□ 1545

The Acting CHAIRMAN. It is now in order to consider amendment No. 11 printed in House Report 110–136.

PARLIAMENTARY INQUIRY

Mr. KING of New York. Mr. Chairman, I have a parliamentary inquiry.

The Acting CHAIRMAN. The gentleman from New York is recognized for his parliamentary inquiry.

Mr. KING of New York. Mr. Chairman, can you tell us the current status of the Committee of the Whole, what is being considered at this time?

The Acting CHAIRMAN. It is now in order to consider amendment No. 12 printed in House Report 110–136.

It is now in order to consider amendment No. 13 printed in House Report 110–136.

It is now in order to consider amendment No. 14 printed in House Report 110–136.

AMENDMENT NO. 15 OFFERED BY MR. TERRY

The Acting CHAIRMAN. It is now in order to consider amendment No. 15 printed in House Report 110–136.

Mr. TERRY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. TERRY:

At the end of title XI add the following:

SEC. ___. REQUIREMENT TO CONSULT STATES REGARDING GRANT AWARDS.

Before the release by the Department of Homeland Security of any information regarding the award of any grant to a State with amounts authorized under section 101, including before submitting to Congress any list of such grant awards, the Secretary of Homeland Security shall consult with States.

The Acting CHAIRMAN. Pursuant to House Resolution 382, the gentleman from Nebraska (Mr. TERRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nebraska.

Mr. TERRY. Mr. Chairman, I appreciate the recognition.

This is a rather simple and focused amendment that recognizes that our Homeland Security Department has had difficulties communicating to its partners. My Governor called me last year when the press showed up in his office and wanted an answer about a grant and no one had notified the Governor's office. We contacted the National Governor's Association, NGA, and found out that this is a very deep and epidemic problem with our Department of Homeland Security.

So all that we are asking in this amendment is that in regard to grants that affect the State, that the State be put into the communication loop so when reporters show up at their office asking for comment, they actually know what the reporters are talking about.

I think it is egregious that reporters get to be notified sooner than the grant recipient or the State that was denied the grant.

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

Mr. AL GREEN of Texas. Mr. Chairman, I rise in opposition to the amendment; however, I do not oppose the amendment and would support it.

The Acting CHAIRMAN. The Member from Texas is recognized for 5 minutes.

Mr. AL GREEN of Texas. Mr. Chairman, let me say simply that I thank the Member for bringing this amendment to the attention of the floor of the House and would encourage my colleagues to support it.

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

Mr. TERRY. Mr. Chairman, with that very articulately stated and persuasive argument, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska (Mr. TERRY).

The amendment was agreed to.

AMENDMENT NO. 16 OFFERED BY MR. KING OF NEW YORK

The Acting CHAIRMAN. It is now in order to consider amendment No. 16 printed in House Report 110–136.

Mr. KING of New York. Mr. Chairman, can you just tell me what amendments have gone by and what amendments are coming up now?

The Acting CHAIRMAN. We are on amendment No. 16.

Mr. KING of New York. Mr. Chairman, I will ask to be the designee of Mr. MICA.

The Acting CHAIRMAN. The gentleman is recognized as the designee of Mr. MICA.

It is now in order to consider amendment No. 16 printed in House Report 110–136.

Mr. KING of New York. Mr. Chairman, I am introducing the Mica amendment as his designee.

The Acting CHAIRMAN. Without objection, the Clerk will designate the amendment.

There was no objection.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. KING of New York:

In section 1102(a) of the bill, after ''The Secretary of Homeland Security'' insert ''and the Secretary of Transportation''.

In section 1102(a) of the bill, strike ''the Department of homeland security'' and insert ''the Department of Homeland Security, the Department of Transportation,''

The Acting CHAIRMAN. Pursuant to House Resolution 382, the gentleman from New York (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. KING of New York. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment adds the Secretary of Transportation to a study to increase incentives for the sharing of critical infrastructure information with the Department of Homeland Security.

The Homeland Security Act of 2002 included the Critical Infrastructure Act in title II. All agencies will benefit from this study. I know that Congressman MICA has put effort into it. It has, my understanding, bipartisan support.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I claim the time in opposition, and I am opposed to the amendment.

The Acting CHAIRMAN. The gentlewoman from Texas is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in opposition to the gentleman's amendment. And might I indicate, because I know Members are in their offices working and committees, and deliberations on the floor are instructive to the Members and their staff, make it very clear of the cooperative and collaborative relationship that the Homeland Security Committee has had with the Transportation and Infrastructure Committee, along with many other committees. Let me reemphasize the very strong working relationship of the chairman of the Homeland Security Committee and the chairperson of the Transportation Committee.

So this amendment is unnecessary. We have worked closely together on this bill and on many issues. I specifically remember the close relationship that we had in working on the rail security bill, where we are jointly responsible for securing the Nation's transportation system or rail transportation system.

This amendment, though possibly well-intended, unnecessarily creates a bureaucratic and burdensome process to what should be a simple study.

Let us be reminded of the 9/11 Commission. The 9/11 Commission wanted to emphasize the ending of bureaucratic red tape. That is why we have the Homeland Security Department and the Homeland Security Committee.

Specifically, this amendment seeks to add the Secretary of Transportation to a study on incentives to secure critical infrastructure information for private stakeholders. Mr. Chairman, we all know what happens when we have too many cooks in the kitchen. We also know that we have a working relationship between our committees and between the Members of this Congress, and also a duty and responsibility to Homeland Security Committee to ensure the securing of this Nation

through the securing and the responsibilities of the Homeland Security Department. Adding more layers to a project like this only assures that the project will not get done in a timely manner.

The Secretary of Homeland Security is charged with working to identify and help with other agencies and protect critical infrastructure. That is a component of our committee and the subcommittee that was set up by the chairman of this committee and the subcommittee that I serve to ensure efficiency. The Secretary of Homeland Security by himself is more than capable of working to complete a study of incentives, infrastructure, stakeholders, to share information with the government.

For these reasons, I oppose this amendment. And I would simply say to my colleagues, what did the 9/11 Commission dictate or ask us to do? Thoughtfully streamline the process of securing America and make sure that we are attentive, we are efficient, and we get the job done. Lives are at stake.

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

Mr. KING of New York. Mr. Chairman, I yield the balance of my time to the author of the amendment, Mr. MICA.

Mr. MICA. Mr. Chairman, I thank the ranking member for yielding me time and also for presenting my amendment.

My amendment would have required that the Department of Transportation participate in the infrastructure study that is required by this legislation. My amendment ensures that the government transportation experts are fully utilized to identify cost-effective measures for protecting critical infrastructure. Right now, as the bill is drafted, it is just limited to Homeland Security leading that effort.

Because our highest risk in this center is involved in addressing risks, terrorist risks, our highest risks are transportation and infrastructure under the jurisdiction of the Department of Transportation, it would only be logical to include them in this effort. I believe the bill as drafted was a mistake, and why the Congress would require a critical infrastructure study like this and not include the Federal agency that has the expertise and the private sector relationships necessary to get the job done. So, again, I have concerns about doing this further directive by the bill.

If you stop to look at what the risks are as far as terrorist risks: Look at the 1993 bombing of the World Trade Center; look at the 1995 Tokyo subway sarin gas attack; look at the Oklahoma City bombing against an infrastructure facility; look at the 9/11 attack using aviation transportation equipment on the World Trade Center and on the Pentagon; look at the Madrid train bombings; look at the London underground train and bus bombings.

What do they all have in common? They have in common transportation. What does the provision that they have included in this bill have in it? Homeland Security, with no participation with the Department of Transportation. The Department of Transportation also handles these transportation and infrastructure issues and really should be a part of this study if it in fact goes forward.

Now, consider some of our greatest concerns, attacks on hazardous materials, pipelines, chlorine gas, tank cars and transit systems. These are all areas regulated by DOT. And they want to leave them out of this study. The DOT has a long working relationship with all of these transportation and infrastructure issues, and I believe DOT would be a vital partner in assessing the risks and economic analysis associated with the terrorist attacks on our critical infrastructure.

And part of the study here is to find out how to get the private sector to participate in this. Who else would be better equipped, a bureaucracy of 177,000 or whatever it is up to, 200,000, in Homeland Security that doesn't have a clue or people who actually work with people in transportation, on transportation projects and with those projects and systems that may be at risk?

Including DOT will help us avoid problems like throwing billions of dollars at transit systems without understanding its impact on our economy and mobility.

I should point out finally that DOT is already involved in some of the critical infrastructure planning, and my amendment is simply an extension of that effort. It is a reasonable amendment. It doesn't replace or duplicate the Department of Homeland Security or diminish their role over these critical infrastructure protection efforts. And if other appropriate agencies or sectors are being left out, I think they should also be included in the effort. But to leave out DOT is to leave out the success that we need to make any kind of study or future partnership of working together to address terrorist risks and threats.

□ 1600

So I thank also Ms. CASTOR from my State of Florida for offering an amendment today.

Ms. JACKSON-LEE of Texas. I thank the distinguished chairman.

Let me just simply say to my good friend, nothing precludes the engaging by the Homeland Security Department of those who have a stakeholder's role. Remember, this is an assessment of critical infrastructure on the issue of security.

The rules of the House designate the Homeland Security Committee as the committee that deals with the question of security. In addition, none of us work in a vacuum; and we would expect this center of excellence to engage those necessary parties.

This amendment is opposed by the committee. This amendment will create another layer of bureaucracy. This amendment goes against the 9/11 Commission, which has asked us to be efficient and to be definitive on our questions of security issues. And what we are attempting to do is to allow the Homeland Security Department to do its job, which creates a center of excellence to focus on the security protection measures for critical infrastructure, a defined responsibility of the Homeland Security Department. And we simply expect that there will be a collaborative working on that such that no Department, Mr. Chairman and my colleagues, will be left out, including the very important Department of Transportation. And we would look forward to collaborating with them.

And, in that regard, I rise to vigorously oppose the amendment and ask for a ''no'' vote.

Ms. JACKSON-LEE of Texas. I rise in opposition to the gentleman's amendment. This amendment—while well-intented—unnecessarily creates a bureaucratic and burdensome process to what should be a simple study.

Specifically, this amendment seeks to add the Secretary of Transportation to a study on incentives to secure critical infrastructure information from private stakeholders.

Mr. Chairman, we all know what happens when we have too many cooks in the kitchen.

Adding more layers to a project like this only assures that the project will not get done in a timely manner.

The Secretary of Homeland Security is charged with working to identify and help, with other agencies, protect critical infrastructure.

The Secretary of Homeland Security by himself is more than capable of working with CREATE to complete a study of incentives for infrastructure stake holders to share information with the government.

For these reasons, I oppose this amendment.

The Acting CHAIRMAN. All time on the amendment having expired, the question is on the amendment offered by the gentleman from New York (Mr. KING).

The amendment was rejected.

AMENDMENT NO. 17 OFFERED BY MR. CARDOZA

The Acting CHAIRMAN. It is now in order to consider amendment No. 17 printed in House Report 110–136.

Mr. CARDOZA. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Mr. CARDOZA:

At the end of title XI add the following:

SEC. ___. SENSE OF THE CONGRESS ON INTEROPERABILITY.

It is the sense of the Congress that efforts to achieve local, regional, and national interoperable emergency communications in the near term should be supported and are critical in assisting communities with their local and regional efforts to properly coordinate and execute their interoperability plans.

The Acting CHAIRMAN. Pursuant to House Resolution 382, the gentleman from California (Mr. CARDOZA) and a member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CARDOZA. Mr. Chairman, my amendment is a simple sense of Congress stressing the importance of interoperability in emergency communications.

We all know the importance of overcoming interoperability problems, which have been prevalent for years but only brought to light due to the 9/11 tragedy.

In this day and age, Mr. Chairman, it is critical that our first responders be able to communicate with each other in the field. The reality, however, is that firefighters, police and other emergency responders simply cannot communicate during times of emergency.

For example, police chiefs in my district have informed me that officers are forced to communicate on their cell phones literally from across the street because their radios cannot operate on the same frequency; and, recently, radio communications were ineffective and created an extremely dangerous situation in the 2006 canyon fire that devastated 34,000 acres in the western portion of Stanislaus County.

The need for improved emergency communications is not new. Whether we are talking about wilderness, wildfires, hurricanes or other disaster, or even day-to-day events, the same interoperability problems exist for the large communities as they do for the smallest.

Large cities are receiving the bulk of homeland security funding for interoperable communications. In many instances, that is rightly the case. But interoperability is a problem that permeates across the country and also affects our smaller communities. Smaller communities face the exact same problems, yet only receive a fraction of the funding and the attention that they need. As a result, smaller communities are left behind and are forced to do the best they can with what they've got.

In Stanislaus County, for example, the county was able to build the architecture for one channel through which all responders in the field can communicate. However, only one person can talk at a time. We can and need, Mr. Chairman, to do better.

The point of this amendment is simply to stress the importance of achieving local, regional and national interoperability plans and the impacts they have on the ongoing efforts in communities across the country.

Simply stated, localities and smaller communities matter as well, and their efforts to address interoperability should not be ignored by the Department of Homeland Security.

I want to make one other statement, Mr. Chairman. In the year 2000, FEMA issued a report that outlined the three greatest disaster scenarios that might befall the United States: a terror attack in New York, a hurricane that would hit New Orleans, and an earthquake on the Hayward fault in the east bay of California that would affect the California delta and flood massive lands near my area.

Well, the first two scenarios have, in fact, taken place, as we all know, and the third is still a very grave possibility. If, in fact, we have an earthquake on the Hayward fault in Northern California, the evacuation area would very likely be my area. Another area affected would be the San Joaquin delta in San Joaquin County.

All of this needs to be addressed, Mr. Chairman, and interoperability is the third awaiting disaster that could hit us anytime with an earthquake.

Mr. Chairman, I ask that we adopt this amendment and that Homeland Security help prepare California for the third disaster that FEMA's already noted could befall the United States at any time.

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

Mr. KING of New York. Mr. Chairman, I rise to claim the time in opposition.

Mr. Chairman, I yield myself such time as I may consume.

I don't intend to oppose the amendment. My only concern is, as I understand it, this is an amendment expressing the sense of Congress. The language, which is actually my language in the bill which passed the full committee, actually would have called for the implementation and not just the sense of Congress; and this, to me, is another deficiency in the bill and that we are taking, at best, a half step forward. We could have taken the full step.

Having said that, I certainly agree in spirit with the amendment. Certainly this is better than nothing. And with that, I will urge the adoption of the amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. KING of New York. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for, again, his outstanding spirit of bipartisanship.

I think the importance of Mr. CARDOZA's amendment is that he agrees with the Homeland Security Committee and the message and the mission of yourself and Mr. THOMPSON and all of the Members that, in addition to just handing out equipment, you want to make sure there's a continuing of training, professional development, understanding of the system. And it really impacts firefighters, police, other emergency responders who cannot communicate during times of emergency. We know what happened in 9/11.

Let me just finish by saying, one of the other elements of helping us work through this question of interoperability is, as your amendment suggests, focusing on local and regional interoperability communications efforts and, particularly, and I raise this point for a city like Houston, that simply says, let us use the dollars, let us directly use the dollars so that we can follow the pathway of Mr. CARDOZA's amendment, which is to improve our interoperable communication efforts. Let us get the monies directly, as opposed to the layering that goes on through the State system.

But, in any event, let me thank the gentleman for his amendment.

The need for improved emergency communications is not new. Whether we are talking about the Oklahoma City bomb detonated by homegrown terrorist Timothy McVeigh, September 11, or Hurricanes Katrina and Rita—the same story emerged.

Firefighters, police, and other emergency responders cannot communicate during times of emergency.

Five and one-half years after the 9/11 attacks, and 1½ years after Hurricanes Katrina and Rita, the Department still does not have a dedicated interoperability grant program.

Subsequently, states and localities are forced to rob Peter to pay Paul by using large chunks of homeland security grant funding—in some instances 80 percent—to purchase communications equipment instead of securing bridges, ports, buildings.

The FY 2006 Budget Reconciliation Act created a $1 billion interoperability grant program to be administered by the Department of Commerce based on the proceeds from the sales of the 700 Mhz spectrum.

While that is a good start, the 9/11 Commission has called on Congress to prioritize and improve interoperable emergency communication.

Buying equipment is not enough!

Congress must support State, local and regional interoperable communication plans that recognize all of the critical factors for a successful interoperability solution.

Those factors are part of the SAFECOM Interoperability Continuum. They are: governance, standard operating procedures, training and exercises, and usage, in addition to technology.

We cannot just throw money at interoperability—we have to develop a strategic, national plan to improve interoperable communications.

The Administration and DHS officials have testified that the cost of achieving interoperability will cost in the tens of billions to $100 billion.

More than 90 percent of the public safety communication infrastructure in the United States is owned and operated at the local and state level. Therefore, we must have improved coordination, training, and planning across many jurisdictions to achieve interoperability.

According to Project SAFECOM at DHS, interoperability directly impacts the first responder community which consists of over 61,000 public safety agencies including 960,000 Firefighters, 830,000 EMS personnel, and 710,000 Law Enforcement Officers.

The Federal government must show leadership on this issue if it is going to tell state and local governments that they need to enhance and improve their emergency communications capability.

Funding is only one-half the solution for the interoperability crisis. There must be leadership by all the key stakeholders to sit down and develop the plans necessary to create effective nationwide interoperable communication standards.

This amendment provides support to the local governments and regions that are developing plans and systems that will better enable multi-jurisdictions to communicate during times of emergency.

The Cardozo amendment will encourage jurisdictions to move toward a truly ''national'' emergency communications capability.

This is an excellent amendment, and we rise to support it.

I yield back to the distinguished gentleman.

Mr. KING of New York. Reclaiming my time from the gentlelady from Texas, I always admire her eloquence and her kind words.

And, as I said, I appreciate what the gentleman is doing. I support it. I just wish we could have had the stronger language that was in the initial legislation.

But, having said that, I commend the gentleman from California and urge the adoption of his amendment.

Mr. CARDOZA. Mr. Chairman, I yield 1 minute to my colleague from Michigan, Mr. STUPAK.

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

Mr. STUPAK. Mr. Chairman, the key words to this whole amendment are ''in the near term.'' Unfortunately, it's been 25 years since the Air Florida accident. We've been talking about interoperability, and nothing ever gets done.

The time for studies and promises are over. If you listen to the program that DHS has, according to them, it will take us 20 years and $100 billion to achieve interoperability. That is not the case at all. We don't need 20 years. We don't have 20 years to wait in this country to have interoperability.

Last Congress, we passed the National Telecommunications Information Agency, which is advancing technologies that are available today to solve the interoperability problem, technologies that don't cost $100 billion and 20 years.

And what has happened, though, the $1 billion we put in the NTIA grant program, the administration used it to make further cuts in the Department of Homeland Security. So $1 billion that should have gone to interoperability has cut off other DHS programs.

This administration has ignored congressional intent on interoperability. It's time for the excuses to stop. The administration has to put forth a reasonable plan to achieve interoperability in this country, and that's what the Cardoza amendment does, and I fully support it.

Mr. Chairman, I ask unanimous consent that I am able to revise and extend my remarks.

I rise today in support of the Cardoza Amendment, which expresses the Sense of the Congress that efforts to achieve interoperable emergency communications in the near term should be supported and are critical in assisting communities properly execute their interoperability plans.

The key words in this amendment are ''in the near term.'' It's been 25 years since the Air Florida crash on the Potomac. It's been over 5 years since September 11th, when over 120 firefighters and hundreds of civilians lost their lives due to a lack of interoperability.

Terrorist attacks, man made disasters, and natural disasters are a certainty. Yet, we still do not have nationwide interoperability in this country.

This problem has been studied and studied.

In its final report, the 9/11 Commission concluded:

> The inability to communicate was a critical element of the World Trade Center, Pentagon, Somerset County, Pennsylvania, crash sites . . . The occurrence of this problem at three very different sites is strong evidence that compatible and adequate communications among public safety organizations at the local, state and federal levels remains an important problem . . . Federal funding of such (interagency communication) units should be given high priority . . .

After September 11th, President Bush said, ''we want to spend money to make sure equipment is there, strategies are there, communications are there to make sure that you have whatever it takes to respond.''

Yet, under the President and the Republican-led Congress, the money was not allocated, the equipment was not there, strategies were incomplete, and first responders still cannot communicate across agencies and jurisdictions.

DHS has testified it will take an $18 billion to $100 billion investment to make our first responder communications fully interoperable.

DHS's plan to achieve full interoperability is 20 years. We do not have another 20 years.

The time for study and excuses is over. This bill and this amendment represent action by the Democratic Congress.

This bill reverses the draconian cuts to first responder grant programs made by this administration. And this amendment tells DHS to advance solutions that help first responders in the near term.

The Energy and Commerce Committee created, and Congress enacted, a $1 billion interoperability grant program at the National Telecommunications Information Agency (NTIA), in 2006.

Our intent was to advance new approaches to solve the interoperability problem; approaches that don't cost $100 billion and take 20 years to implement.

Yet, the administration seems to be missing the point. The administration's budget proposal justified the DHS grant cuts by ''offsetting'' those cuts with the $1 billion NTIA grant program.

Our committee has heard testimony from experts, industry, and first responders that there are new technologies today that can help our first responders at a fraction of the cost.

Again, this amendment tells DHS that Congress has lost its patience with excuses. It says invest in near term solutions that are available today. I urge my colleagues to support this amendment.

Mr. KING of New York. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. Mr. Chairman, with the Cardoza amendment, the Congress expresses its support for efforts like the $1 billion interoperability program to be implemented by NTIA.

The House Energy and Commerce Committee is deeply concerned about the ongoing inability of our first responders to communicate with each other in times of emergency. This public safety interoperability problem has gone on for far too long, which is why the Energy and Commerce Committee is playing a stronger leadership role in setting the policy direction through its communications jurisdiction.

I will put the rest of my statement in the RECORD, Mr. Chairman. But we do support the Cardoza amendment, and I thank the gentleman from New York for yielding some time.

Mr. Chairman, with the Cardoza amendment, the Congress expresses its support for efforts like the $1 billion interoperability program to be implemented by the NTIA. The House Energy and Commerce Committee is deeply concerned about the ongoing inability of our first responders to communicate with each other in times of emergency. This public safety interoperability problem has gone on far too long, which is why the Energy and Commerce Committee is playing a stronger leadership role in setting the policy direction through its communications jurisdiction.

Our Committee authored a section in the Deficit Reduction Act of 2005 that set a final date for the DTV transition that will transfer 24 MHz of spectrum to public safety. To help first responders communicate on this spectrum efficiently, the DTV legislation also established the $1 billion Public Safety Interoperable Communications grant program to leverage NTIA's extensive telecommunications and spectrum policy expertise.

To improve interoperability throughout the Nation, Congress directed the NTIA to identify and fund forward-looking, spectrum-efficient, cost-effective and timely solutions. That program was designed to be separate from other programs, with its own criteria, and its own metrics for success. Until our existing, disparate public safety networks can communicate together, we will not truly be equipped to respond to a natural or man-made disaster.

Mr. KING of New York. Mr. Chairman, I yield myself the balance of my time.

I would just say to the gentleman from Michigan, my good friend, that I agree that the time for study is over and the time for delay is over.

I believe the original legislation that passed our committee would have moved it forward much more quickly. This is a sense of Congress. We actually were going to demand action.

But, having said that, this is a significant step, and I urge adoption of the amendment.

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

Mr. CARDOZA. Mr. Chairman, I thank the gentleman from New York and also the gentleman from Texas for their support.

This is an important amendment. It needs to state clearly, this bill needs to

state clearly that the Congress supports finding a resolution to interoperability conflicts that we have been besieged with. This is a very specific problem, as outlined in the FEMA report.

I thank Chairman DINGELL and Chairman THOMPSON for both appearing before my constituents and hearing this problem and also agreeing to shepherd this resolution through the House.

I encourage adoption of my amendment.

Mr. DOYLE, Madam Chairman, My colleagues who were with us last year, and frankly, I'm glad we have so many new faces, but my colleagues who were with us last year will recall my commitment to protecting local telecommunications resources and making sure decisions are made where they are best made.

That's why I'm glad to talk about this important issue. Spectrum itself is nearly infinite. But in terms of what's usable, what's worth investing in is much more limited.

Which is why we must challenge everyone who uses our airwaves to do so in the most efficient way possible. And that's why efforts to make public safety's communications interoperable, redundant and more effective are so critical to our Nation's first responders, and ultimately the American public. The days when government hands money over to people who don't understand technology to make choices between inefficient and expensive dead-end radios should be long gone.

My time is short, but we must take the best of what we have learned from the commercial space like interoperability and cost-effective technology and merge it with the best of public safety's communications legacy such as rock-solid dependability.

By passing this amendment today, Congress will be saying that we support innovative, forward-looking, technologically-neutral solutions, including IP-Based solutions.

And I believe we are saying that the Department of Homeland Security should follow all of the recommendations that the Government Accountability Office made earlier this year, and especially the one that the administration rejected—that first responders need to have the flexibility to take advantage of technological innovations that could advance the state of interoperability.

We need accountability and measurable goals from any and all programs that fund interoperability so that we can ensure that the money is being spent wisely. The Department of Homeland Security has told us we need to wait 15 years to get interoperability—it's clear to me that we need to get interoperable communications by any means necessary, even if it means relying on expertise outside Homeland Security and within other agencies like the National Telecommunications and Information Administration.

The Acting CHAIRMAN. All time for the amendment having expired, the question is on the amendment offered by the gentleman from California (Mr. CARDOZA).

The amendment was agreed to.

The Acting CHAIRMAN (Mrs. JONES of Ohio). Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. THOMPSON of Mississippi.

Amendment No. 2 by Mr. TOM DAVIS of Virginia.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. THOMPSON OF MISSISSIPPI

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Mississippi (Mr. THOMPSON) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 216, noes 209, not voting 12, as follows:

[Roll No. 314]

AYES—216

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barton (TX)
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Eshoo
Etheridge
Faleomavaega
Farr
Filner
Frank (MA)
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—209

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Space
Stearns
Sullivan
Tancredo
Tanner
Terry
Thornberry
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Bordallo
Brady (PA)
Doolittle
Engel
Fattah
Johnson, E. B.
Larson (CT)
McMorris Rodgers
Moran (KS)
Renzi
Souder
Tiahrt

□ 1639

Messrs. BARROW, EHLERS, FLAKE, ALTMIRE, CRAMER and GOHMERT changed their vote from ''aye'' to ''no.''

Messrs. PAUL, HOYER and MCNERNEY changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. TOM DAVIS OF VIRGINIA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. TOM DAVIS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 36, noes 390, not voting 11, as follows:

[Roll No. 315]

AYES—36

Bachmann
Bachus
Barton (TX)
Berman
Biggert
Brady (TX)
Cannon
Cantor
Chabot
Davis, Tom
Dreier
Feeney
Flake
Fossella
Franks (AZ)
Hall (TX)
Hensarling
Hoekstra
Kingston
Kline (MN)
Lewis (CA)
Lungren, Daniel E.
Matheson
McKeon
Moran (VA)
Neugebauer
Paul
Ramstad
Rohrabacher
Ryan (WI)
Sensenbrenner
Sessions
Shadegg
Shays
Thornberry
Waxman

NOES—390

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Ferguson
Filner
Forbes
Fortenberry
Fortuño
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—11

Brady (PA)
Doolittle
Engel
Fattah
Johnson, E. B.
Larson (CT)
McMorris Rodgers
Moran (KS)
Renzi
Souder
Tiahrt

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

□ 1649

Mr. COHEN changed his vote from ''aye'' to ''no.''

Mr. FEENEY and Mr. DANIEL E. LUNGREN of California changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 18 OFFERED BY MR. VAN HOLLEN

The Acting CHAIRMAN. It is now in order to consider amendment No. 18 printed in House Report 110–136.

Mr. VAN HOLLEN. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 18 offered by Mr. VAN HOLLEN:

At the end of title XI of the bill, add the following (and conform the table of contents accordingly):

SEC. 1122. TRAVELERS REDRESS INQUIRY PROGRAM.

Of the amount authorized to be appropriated under section 101, such sums as may be necessary shall be available to the Secretary of Homeland Security to take all necessary actions to protect the security of personal information submitted electronically to the Internet website of the Department of Homeland Security established for the Travelers Redress Inquiry Program and other websites of the Department related to that program.

The Acting CHAIRMAN. Pursuant to House Resolution 382, the gentleman from Maryland (Mr. VAN HOLLEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. VAN HOLLEN. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, let me start by commending Chairman THOMPSON, Ranking Member KING and the Homeland Security Committee on a bipartisan basis for their good work on this piece of legislation. I have an amendment that I hope will be agreeable to all sides.

In January of this year, the TSA launched a Web site. Some of you may have seen it. It was called the Traveler Verification Identification Program, and it was designed to allow those passengers who were wrongfully identified on the no-fly lists or the selectee lists the opportunity to start the process of getting their names removed from that list.

The way you did that was you go and you log on to the TSA Web site and submit sensitive security information and personal information, like your Social Security number, the place and date of birth, your drivers license number and other personal identification numbers in order to demonstrate and prove to TSA that you were not a ''person of concern'' on their list. That was an important step forward, a positive

list. I think we have all heard the stories about individuals who were wrongfully placed on that list or whose identifications were mistaken for somebody else. So that was a good way to start to get people off the list.

But right after the launch of that program, they had to shut it down. The TSA had to shut down the site because, as was reported in The Washington Post and the high-tech magazine Wired, it was determined that the information that individuals were entering onto the TSA Web site was not secure, very personal types of information. Security experts found that the site lacked many of the basic measures necessary to protect personal information, no encryption devices, no other safeguards, and that the data being transferred to TSA was essentially vulnerable to being taken and used for identity theft and other purposes.

After these concerns were brought to the attention of TSA, they had to bring down the Web site. They put up another Web site and program in February called the Travelers Redress Inquiry Program.

Now, the TSA has said that it has made the necessary adjustments to protect this very personal and confidential information from exposure and theft, but it is not clear that they have taken all the measures that are necessary, especially in light of the fact that only last week we found out that a hard drive containing the personal data of almost 100,000 TSA employees disappeared.

Data security does not seem to have been taken seriously enough by the TSA. This amendment is designed to focus greater attention on that issue.

This amendment is very simple. It requires TSA to take the necessary steps required to protect the personal information submitted online by passengers, by our constituents, when they are seeking to remove their names from the no-fly list, the selectee list or other related lists. It is designed to get at a very specific problem that has arisen in recent months, and I urge its adoption.

Ms. JACKSON-LEE of Texas. Madam Chairman, will the gentleman yield?

Mr. VAN HOLLEN. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me thank the gentleman for a very thoughtful amendment. We have addressed this question in the Homeland Security Committee, but also in the subcommittee that I chair, and I think the important point is that when people are trying to clarify their name and they submit personal data, we should be responsible for protecting it. In light of what happened last week, and by the way, we will be having a briefing on that very issue dealing with the TSA's loss of the computer and all that data, this is a very instructive amendment.

It would be great to think that we would never lose material, but we do, and also to protect those that have been subjected to a lot of scrutiny, some of them coming from different ethnic groups. This is very thoughtful, and I rise to support the amendment.

Madam Chairman, this amendment should be supported as it seeks to require the Department of Homeland Security (the Department) to use funds to protect the security of personal information submitted electronically to the Department's website for the Department of Homeland Security Traveler Redress Inquiry Program, otherwise known as DHS–TRIP, and any other Web site associated with that program.

It would be great if we only had to theorize about the possible security, or lack thereof, of the information sent to the Department via redress websites.

However, the past has shown that this problem is very real.

In February of this year, the Department's Transportation Security Administration (TSA) learned that the website they were using to collect personal information to aid in traveler redress contained a link that was not secure.

This insecure link caused hundreds of individuals to transmit information through cyberspace that was not encrypted and subject to being captured by identity thieves, at best, and terrorists, at worst.

The Web site was established to provide a remedy for passengers that had been delayed at airports and therefore believed that they had been incorrectly identified as someone on an aviation watch list.

What causes even greater concern is that for 4 months and 8 days TSA did not detect the problem through their own internal procedures. In fact, they became aware of the situation through an independent internet blog.

The fact that the redress website lacked the necessary security measures to protect users' personal information is proof in the pudding that more needs to be done to protect personally identifiable information sent to TSA.

The American public needs to know that the "S" in TSA stands for something.

Individuals that may have already been wrongfully identified—which can cause airport delays for hours or even days—should not have to experience a second round of mistreatment by having their personal information, including their name, gender, date of birth, social security numbers and addresses vulnerable to being hacked.

A few weeks after this discovery TSA launched the Department of Homeland Security Traveler Redress Inquiry Program, otherwise known as DHS–TRIP.

We have not yet determined whether the internal controls that should have been in place during the first mishap have been put in place with respect to DHS–TRIP.

The recent revelation that a TSA hard drive containing the personal, payroll and bank information of over 100,000 former and current TSA employees was reported stolen, does nothing to alleviate our concerns.

For these reasons, this amendment is a good idea, and should be supported.

Mr. KING of New York. Madam Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from New York is recognized for 5 minutes.

Mr. KING of New York. I yield myself such time as I may consume.

Madam Chairman, I do not intend to oppose the amendment. I just would say to the gentleman, he is addressing a legitimate concern. One question I would have, and ask this be resolved as the process goes forward, it just says all funds that are necessary from the $39.8 billion. Since Homeland Security funding is stretched as it is, since every dollar is essential to be spent for the right purpose, I would ask, as the process goes forward, we try to find a way to specify the amount necessary. I am just raising that as a point with the gentleman. I would certainly work with the gentleman as we go forward and with the chairman.

Mr. VAN HOLLEN. Madam Chairman, will the gentleman yield?

Mr. KING of New York. I yield to the gentleman from Maryland.

Mr. VAN HOLLEN. Madam Chairman, I thank the gentleman, and I appreciate the point you are raising. As it says, such sums as may be necessary to address this issue. I wouldn't expect it to be a very large sum. TSA is telling us they have addressed this issue. I am not sure we are totally convinced. If we could get this amendment passed, obviously as we go through the process, if there is some claim that this is going to cost billions of dollars, I wouldn't expect it would, but I would be happy to work with the gentleman.

Mr. KING of New York. Madam Chairman, reclaiming my time, I will not oppose the amendment.

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

Mr. VAN HOLLEN. Madam Chairman, I thank the gentleman, and I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment No. 18 offered by the gentleman from Maryland (Mr. VAN HOLLEN).

The amendment was agreed to.

Mr. THOMPSON of Mississippi. Madam Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CLEAVER) having assumed the chair, Mrs. JONES of Ohio, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1684) to authorize appropriations for the Department of Homeland Security for fiscal year 2008, and for other purposes, had come to no resolution thereon.

□ 1700

PERMISSION TO OFFER SHERMAN AMENDMENT NO. 14 OUT OF ORDER DURING FURTHER CONSIDERATION OF H.R. 1684, DEPARTMENT OF HOMELAND SECURITY AUTHORIZATION ACT FOR FISCAL YEAR 2008

Mr. THOMPSON of Mississippi. Mr. Speaker, I ask unanimous consent that during further consideration of H.R.

1684 in the Committee of the Whole, pursuant to House Resolution 382, the following amendment be permitted to be offered at any time: Sherman amendment No. 14.

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

Mrs. BLACKBURN. I object.

The SPEAKER pro tempore. Objection is heard.

PERMISSION TO OFFER KUCINICH AMENDMENT NO. 11 OUT OF ORDER DURING FURTHER CONSIDERATION OF H.R. 1684, DEPARTMENT OF HOMELAND SECURITY AUTHORIZATION ACT FOR FISCAL YEAR 2008

Mr. THOMPSON of Mississippi. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 1684 in the Committee of the Whole, pursuant to House Resolution 382, the following amendment be permitted to be offered at any time: Kucinich amendment No. 11.

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

Mrs. BLACKBURN. I object.

The SPEAKER pro tempore. Objection is heard.

PERMISSION TO OFFER ROTHMAN AMENDMENT NO. 12 OUT OF ORDER DURING FURTHER CONSIDERATION OF H.R. 1684, DEPARTMENT OF HOMELAND SECURITY AUTHORIZATION ACT FOR FISCAL YEAR 2008

Mr. THOMPSON of Mississippi. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 1684 in the Committee of the Whole, pursuant to House Resolution 382, the following amendment be permitted to be offered at any time: Rothman amendment No. 12.

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

Mrs. BLACKBURN. I object.

The SPEAKER pro tempore. Objection is heard.

PERMISSION TO OFFER ROTHMAN AMENDMENT NO. 13 OUT OF ORDER DURING FURTHER CONSIDERATION OF H.R. 1684, DEPARTMENT OF HOMELAND SECURITY AUTHORIZATION ACT FOR FISCAL YEAR 2008

Mr. THOMPSON of Mississippi. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 1684 in the Committee of the Whole, pursuant to House Resolution 382, the following amendment be permitted to be offered at any time: Rothman amendment No. 13.

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

Mrs. BLACKBURN. I object.

The SPEAKER pro tempore. Objection is heard.

DEPARTMENT OF HOMELAND SECURITY AUTHORIZATION ACT FOR FISCAL YEAR 2008

The SPEAKER pro tempore. Pursuant to House Resolution 382 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 1684.

□ 1702

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 1684) to authorize appropriations for the Department of Homeland Security for fiscal year 2008, and for other purposes, with Mrs. JONES of Ohio (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, amendment No. 18 printed in House Report 110–136 by the gentleman from Maryland (Mr. VAN HOLLEN) had been disposed of.

AMENDMENT NO. 19 OFFERED BY MS. CASTOR

The Acting CHAIRMAN. It is now in order to consider amendment No. 19 printed in House Report 110–136.

Ms. CASTOR. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 19 offered by Ms. CASTOR:

At the end of title XI of the bill, add the following (and conform the table of contents accordingly):

SEC. 1122. TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL PROGRAM.

The Secretary of Homeland Security shall work with the State of Florida and other States, as appropriate, to resolve the differences between the Transportation Worker Identification Credential and existing access control credentials.

The Acting CHAIRMAN. Pursuant to House Resolution 382, the gentlewoman from Florida (Ms. CASTOR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. CASTOR. Madam Chair, I rise today in support of this amendment. My amendment requires the Department of Homeland Security to work with the State of Florida and other States, if necessary, to resolve the differences between the Federal Transportation Worker Identification Credential, known as the TWIC, and Florida's existing access control card.

You see, shortly after 9/11, the State of Florida enacted a law requiring a centralized biometric credential for workers in deepwater ports in the State of Florida, including the three ports in my district in the Tampa Bay area.

This credential is known as the Florida Uniform Port Access Credential, or FUPAC. At the port of Tampa, we have credentialed over 39,000 port workers and the State of Florida has credentialed over 100,000 port workers throughout the State. This means that the FBI and the Florida Department of Law Enforcement have conducted extensive background checks.

Meanwhile, the Federal TWIC, which was first mandated in the Maritime Transportation Security Act, was not finalized by the Department of Homeland Security until just a few months ago.

The criteria in the FUPAC and the TWIC greatly duplicate each other. The Federal Government and the State of Florida must reconcile these credentials to ensure that our resources go to make our neighbors and our ports safe rather than satisfy bureaucratic red tape.

The Florida Ports Council says that this issue and its resolution will have a profound effect on both the viability of our maritime businesses and the security of Florida's ports.

As long as proper security requirements are being met, as they are with Florida's port credential, we need to spare the working folks who keep our ports moving from having to bear the burden and expense of undergoing unnecessarily duplicative background checks.

The amendment offered today requires that the Department of Homeland Security work with the State of Florida to resolve inconsistencies and avoid unnecessary duplication between the TWIC and the FUPAC.

I urge my colleagues to support this amendment which will aid Florida's strong maritime economy and ensure that valuable resources go to keeping our neighbors and our ports safe rather than to unnecessary bureaucratic red tape.

Madam Chair, I reserve the balance of my time.

Mr. KING of New York. Madam Chair, I claim time in opposition to the amendment, even though I do not oppose the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from New York is recognized for 5 minutes.

There was no objection.

Mr. KING of New York. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Madam Chair, I thank the gentleman.

I rise in strong support of the Castor amendment to the Homeland Security authorization bill.

I have worked long and hard to coordinate the agreement between TSA and Florida on their respective worker ID cards for screening port workers. TSA has been dragging their feet, unwilling to compromise so that Florida does not have to discontinue its own card. It wasn't until Senator Paula

Dockery, who shares some of my constituents, reached out to me that the TSA finally began to respond and started negotiations. Senator Dockery is now chairman of the committee that I chaired when I was in the Florida Senate, so I am very familiar with the biometric ID program. That is why she reached out to me.

Right now, congressional intervention has made sure that they are talking. There is still only one remaining sticking point. I am cautiously optimistic that we can work this out so Florida can be confident that TSA's Transportation Worker ID card is secure enough for our precious ports.

Florida has a great system, and TSA needs to recognize that and know that, if anything, Florida's system is above and beyond what TSA is looking at.

This amendment commits TSA to continuing the work my colleagues and I have already accomplished, getting TSA to sit down and talk to Florida. Most of the issues have been worked out. I am pleased to support this amendment.

Ms. CASTOR. Madam Chair, I reserve my time to close.

Mr. KING of New York. Madam Chair, I yield 2½ minutes to the gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. Madam Chair, I rise in support of the Castor amendment to H.R. 1684. This amendment directs the Department of Homeland Security to work with my State of Florida to resolve differences between its ports access control credential and its Federal counterpart, the Transportation Worker Identification Credential, or the TWIC card.

Florida has been a national leader in developing its own credential, entering into an agreement with TSA in 2003 to implement this TWIC prototype. Florida's card is largely interchangeable with the TWIC. However, there are questions about the ability to integrate Federal requirements with Florida's standards.

I cannot stress enough the importance of resolving this issue so that maritime workers in my State do not have to obtain multiple cards and separate card readers for the same purposes.

I met with TWIC program officials on this matter and, during a hearing of my Transportation Security and Infrastructure Protection Subcommittee last month, asked them to delay implementation of the TWIC card in Florida until this issue can be satisfactorily resolved.

Although I am optimistic that we are moving in the right direction toward a resolution on this matter, I commend the gentlewoman from Florida for offering this amendment which will reinforce our State's bipartisan resolve to fix this problem.

I urge my colleagues to support this amendment.

Mr. KING of New York. Madam Chair, I want to thank the gentlewoman from Florida for her amendment and urge its adoption, and I yield back the balance of my time.

Ms. CASTOR. Madam Chair, in closing, I would like to thank Chairman THOMPSON and all of the hard-working members and staff of the Homeland Security Committee, and thank my colleagues from Florida, Ms. GINNY BROWN-WAITE and Mr. BILIRAKIS, for their bipartisan efforts to solve this problem. I urge adoption of the amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Florida (Ms. CASTOR).

The amendment was agreed to.

AMENDMENT NO. 20 OFFERED BY MR. LAMPSON

The Acting CHAIRMAN. It is now in order to consider amendment No. 20 printed in House Report 110–136.

Mr. LAMPSON. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 20 offered by Mr. LAMPSON:

In section 303, before the first sentence insert ''(a) AUTHORIZATION OF APPROPRIATIONS.—'', and add at the end the following:

(b) ASSISTING THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—

(1) IN GENERAL.—An Inspector General of the Department of Homeland Security appointed under section 3 or 8G of the Inspector General Act of 1978 (5 U.S.C. App.) may authorize staff to use funds authorized under subsection (a) to assist the National Center for Missing and Exploited Children, upon request by the Center—

(A) by conducting reviews of inactive case files that the Inspector General has reason to believe involve a child or possible offender located outside the United States, and to develop recommendations for further investigations; and

(B) by engaging in similar activities.

(2) LIMITATIONS.—

(A) PRIORITY.—An Inspector General may not permit staff to engage in activities described in paragraph (1) if such activities will interfere with the duties of the Inspector General under the Inspector General Act of 1978 (5 U.S.C. App.).

(B) FUNDING.—No additional funds are authorized to be appropriated to carry out this paragraph.

The Acting CHAIRMAN. Pursuant to House Resolution 382, the gentleman from Texas (Mr. LAMPSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. LAMPSON. Madam Chair, I yield myself such time as I may consume.

I thank Chairman THOMPSON for the opportunity to offer an amendment to the DHS authorization bill.

My amendment would authorize the Department of Homeland Security Inspector General to assist the National Center for Missing and Exploited Children in conducting reviews of inactive case files. Upon the Center's request, the Inspector General may assist in resolving cases involving a child or an alleged offender located outside of the United States.

Federal Inspectors General have recognized that they could help the National Center in a very unique way not covered under present partnerships. They envision using the talent and expertise of the IG community's cadre of special agent criminal investigators to review old, unresolved cases in the hope of identifying new leads.

Passage of this amendment would allow IGs, when they are not otherwise engaged in meeting their obligations under the Inspector General Act, to assist in bringing closure to many suffering families. Allowing the Inspector General the authority to provide this limited service could aid in identifying perpetrators and ultimately to the recovery of missing children.

This proposal requires no additional funding since it would only authorize Inspectors General to provide assistance to the National Center, as resources are available. I hope this amendment will lay the groundwork for future legislation authorizing IGs from other agencies to assist the National Center in resolving cold cases domestically.

Again, I thank you for the opportunity to offer my amendment. I encourage my colleagues to support this effort to bring our children home.

Ms. JACKSON-LEE of Texas. Madam Chair, will the gentleman yield?

Mr. LAMPSON. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Let me thank the gentleman for his ongoing leadership on this issue. Since he started in the United States Congress many years ago, he has led out on this issue.

I want to simply refer my colleagues to the idea of imagining the horror of your child being missing, and imagine your child has been missing for so long that his case is declared inactive. Now think about where you would turn if you thought your missing child was in a foreign country. The only parents who do not fear that scenario are those who already live it.

So this idea of using the Department of Homeland Security, which should be certainly interested in securing our children, is an important step and certainly an important responsibility for the Inspector General.

I would suggest that when we think of security we think of children lost overseas or taken overseas. There is no better agency that could utilize its Inspector General facilities and resources to be able to help those families who are deeply suffering.

I want to thank the gentleman for yielding to me. I don't imagine any of us could imagine the need for the resources of DHS checking passengers, checking passports, interacting with the international law enforcement, could not imagine a better use of our time than supporting the gentleman's amendment and allowing the Inspector General to participate in this very important project.

I support this amendment.

This amendment will allow the Inspector General of the Department of Homeland Security to conduct reviews of "cold cases" stored at the National Center for Missing and Exploited Children when the children or the offenders are located outside of the U.S.

This amendment would permit the Inspector General to provide assistance and develop recommendations for further investigation of these hard to solve cases.

A missing child is the anguish of every parent and a concern to every caring adult.

Imagine the horror of your child being missing. Imagine that the child has been missing for so long, that its case is declared "inactive." Now think about where you would turn if you thought your missing child was in a foreign country.

The only parents who would not fear this scenario are those who already live it.

In the creation of the Department of Homeland Security, DHS assumed responsibility for border protection.

Many people may not understand how border protection intersects with missing children.

I can tell you that as our inspectors check passengers entering and leaving the United States, they have the opportunity to identify missing children and their abductors.

Those employees of homeland security who are responsible for protecting our borders and assuring that terrorists do not enter this country also play a role in assuring that children who are leaving this country are in the company of a parent or legal guardian.

But when efforts to intercept and detain a child abductor fail, more is lost than just one child.

According to the National Center for Missing and Exploited Children (NCMEC) thousands of American children are illegally transported from the United States every year.

Through this amendment, we will add one more weapon in our arsenal to safeguard America's children.

By bringing to bear the investigative abilities and fresh insights of the Inspector General to these cases we can help resolve these cases that others have given up on.

I urge my colleagues to support this amendment.

□ 1715

Mr. LAMPSON. Reclaiming my time, I thank the gentlewoman for her comments. There are some astounding statistics associated with this. More than 1,000 children a year taken out of the country, and over time, many of them grow cold. This is a perfect opportunity to allow a good agency who wants to help to be able to do so.

Madam Chairman, I reserve the balance of my time.

Mr. KING of New York. Madam Chair, I claim the time in opposition to the amendment.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. KING of New York. Madam Chair, I yield myself the balance of the time just to say that we have no objection to the gentleman's amendment. I commend him on it, and I yield back the balance of my time.

Mr. LAMPSON. Madam Chair, this is an excellent piece of legislation that will help many children be brought back home and families reunited.

I thank everyone, all of our colleagues, for consideration of this and urge support.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. LAMPSON).

The amendment was agreed to.

AMENDMENT NO. 21 OFFERED BY MR. ROYCE

The Acting CHAIRMAN. It is now in order to consider amendment No. 21 printed in House Report 110–136.

Mr. ROYCE. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 21 offered by Mr. ROYCE:

At the end of title IX, add the following new section:

SEC. 9___. STOLEN AND LOST TRAVEL DOCUMENT DATABASE.

(a) IN GENERAL.—The Secretary of Homeland Security, acting through the Commissioner of United States Customs and Border Protection, shall, as expeditiously as possible, implement at primary inspection points at United States ports of entry the Stolen and Lost Travel Document database managed by Interpol.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) a report on the implementation required under subsection (a).

The Acting CHAIRMAN. Pursuant to House Resolution 382, the gentleman from California (Mr. ROYCE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. ROYCE. Madam Chair, I yield myself such time as I may consume.

What I wanted to share with this body is that Ramzi Yousef used a stolen passport to carry out the murderous attack that was conducted on the World Trade Center back in 1993. He used that stolen passport to enter the United States and claim asylum and then carry out that attack.

Three years after the 9/11 Commission recommended that our border officers have access to Interpol's lost and stolen passport data as an automatic check at our ports of entry, we still do not have a situation where we are utilizing that data, and this amendment would change that.

Now, there are many, many examples in Europe where these stolen passports have created a crisis. Fraudulent passports were used in the 2004 Madrid bombing. In the 2005 London subway attacks, again, stolen passports were used, and as argued recently in congressional testimony by the Secretary General of Interpol, and I will quote from that testimony before the Senate, "Terrorist use of fraudulent travel documents was one of the most dangerous gaps in global security back around the time of September 2001. Unfortunately, it still is today."

I can share with you as the ranking member of the Foreign Affairs Subcommittee on Terrorism Non-Proliferation and Trade, this remains a concern.

It has been a concern for Interpol since 2002. They started their stolen and lost travel document database at that time. There were several thousand passports that were stolen in blank form. This was a particular problem. They posed a severe threat, given that these can be easily made into bogus passports that are very, very easy to use and difficult for law enforcement to detect. A stolen blank passport from a visa waiver country raises the stakes, of course, because the holder is subject to considerably less scrutiny because it is a visa waiver country. So, if you look at the number of hits last year, 2,543, generated by Interpol's database, 62 percent were from visa waiver countries.

So the United States, we have some access to stolen passport information through our own systems and through bilateral agreements, but there is a gaping hole here. We need access to this system. There are 2½ million stolen passports that are not on our radar screen.

This amendment then would ensure that DHS implement the Interpol stolen passport database at primary inspection points at U.S. ports of entry. The system developed by Interpol would enable U.S. border security officials to check the passport database at the port of entry. The same swipe of the passport would check the Interpol database with a simultaneous check of the appropriate U.S. database. That is going to enhance our security.

I will just share with the members of this body that the Swiss now use this; 20,000 Swiss officers conduct between 300,000 and 400,000 database searches every month, and every month they detect over 100 people attempting to enter their country with stolen passports. The French have the same experience.

It is very important that the U.S. access this database, and that is what this amendment will do.

Madam Chairman, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Madam Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. THOMPSON of Mississippi. For the purpose of support only, I am in support of Mr. ROYCE's amendment. The database created by Interpol has proven to be very, very successful. The Swiss presently use the database provided by Interpol. They stop some 100 persons entering into that country per month. For the life of me, I cannot understand why CBP will not use it.

It is a commonsense amendment. I trust the Department, once we approve

it and ultimately pass the legislation, will follow the directions of Congress.

So I support the Royce amendment in its present form.

Imposters who would do us harm prize fraudulent passports as a way to gain entry into our country under false identities in order to carry out criminal or terrorist activities.

INTERPOL has created a "Stolen and Lost Travel Document" (SLTD) database to provide valuable and timely information about passports reported lost or stolen to database users in order to intercept imposters and assist law enforcement.

In the last couple of years, INTERPOL has populated its SLTD database with millions of passport numbers that were reported lost or stolen.

Receiving real-time reporting of lost and stolen passports would allow us to detect these imposters and prevent their entry into the U.S.

Other countries that use INTERPOL's SLTD database have been successful in intercepting imposters.

For example, the Swiss, have been stopping over 100 attempted entries per month using fraudulent passports since December 2005 on the basis of the real-time information INTERPOL has provided.

Yet, at U.S. Ports of Entry, Customs and Border Protection inspectors do not yet have access to INTERPOL's database at primary inspection, so this valuable anti-terrorism tool remains unavailable for screening persons trying to enter the U. S.

This amendment would require CBP to provide its inspectors access to INTERPOL's SLTD database at primary inspection within one year.

CBP has already declared that that it intends to implement use of INTERPOL's SLTD database as soon as possible; this amendment will ensure this takes place.

Support the Royce Amendment.

Mr. ROYCE. Madam Chairman, if I could just sum up on my time, again, the 9/11 Commission recognized the importance of Interpol's database. Janice Kephart, who was a counsel to the 9/11 Commission, testified recently that U.S. support and engagement with Interpol is key to fully implementing the 9/11 Commission recommendations on terrorist travel.

I would just also share with the body that yesterday we dodged a bullet. It is significant that there have been no terrorist attacks against our country since 9/11, but yesterday's disrupted plot shows there is much work left to be done.

Adoption of this database will help combat the threat of terrorists and criminals crossing our borders. I urge its adoption.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. ROYCE).

The amendment was agreed to.

The Acting CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. RAHALL) having assumed the chair, Mrs. JONES of Ohio, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1684) to authorize appropriations for the Department of Homeland Security for fiscal year 2008, and for other purposes, pursuant to House Resolution 382, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole?

Mr. PRICE of Georgia. Mr. Speaker, I demand a re-vote on the Thompson amendment.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment to the amendment reported from the Committee of the Whole?

The Clerk will redesignate the amendment on which a separate vote has been demanded.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. THOMPSON of Mississippi:

In the proposed section 401(b)(3)(B), as proposed to be added by section 201 of the bill, insert before the period at the end the following: ", excluding each agency that is a distinct entity within the Department".

In the proposed section 401(b)(3)(E), as proposed to be added by section 201 of the bill, insert before the period at the end the following: ", consistent with this section".

Strike subsection (b) of the proposed section 707, as proposed to be added by section 202 of the bill, and insert the following:

"(b) COORDINATION.—The Secretary shall direct the Chief Operating Officer of each component agency to coordinate with that Officer's respective Chief Operating Officer of the Department to ensure that the component agency adheres to Government-wide laws, rules, regulations, and policies to which the Department is subject and which the Chief Operating Officer is responsible for implementing.".

In the proposed section 707(c), strike "reporting to" and insert "coordinating with".

In the proposed section 402(d), as proposed to be added by section 203 of the bill, insert after "submit to the Committee on Homeland Security" the following: "and the Committee on Transportation and Infrastructure".

Strike the proposed subsection (d), as proposed to be added by section 208 of the bill, and insert the following:

"(d) AUTHORITY OF ASSISTANT SECRETARY FOR LEGISLATIVE AFFAIRS OVER DEPARTMENTAL COUNTERPARTS.—The Secretary for the Department shall ensure that the Assistant Secretary for Legislative Affairs has adequate authority or the Assistant Secretary's respective counterparts in component agencies of the Department to ensure that such component agencies adhere to the laws, rules, and regulations to which the Department is subject and the departmental policies that the Assistant Secretary for Legislative Affairs is responsible for implementing.".

In section 301(c), after "submit to the Committee on Homeland Security" the following: "and the Committee on Oversight and Government Reform".

In the proposed subsection (d)(1), as proposed to be added by section 302 of the bill, strike "and the Committee on Homeland Security and Governmental Affairs of the Senate" and insert ", the Committee on Homeland Security and Governmental Affairs of the Senate, and other appropriate congressional committees".

In the proposed subsection (d)(2), as proposed to be added by section 302 of the bill, strike "and the Committee on Homeland Security and Governmental Affairs of the Senate" and insert ", the Committee on Homeland Security and Governmental Affairs of the Senate, and other appropriate congressional committees".

In the proposed section 104(a), as proposed to be added by section 304 of the bill, insert after "congressional homeland security committees" the following: "and other appropriate congressional committees".

Strike section 305 and conform the table of contents accordingly.

In section 402, strike subsection (b) and insert the following:

(b) APPOINTMENT AUTHORITY.—The Secretary (acting through the Chief Procurement Officer) may, for the purpose of supporting the Department's acquisition capabilities and enhancing contract management throughout the Department, appoint annuitants to positions in procurement offices in accordance with succeeding provisions of this section, except that no authority under this subsection shall be available unless the Secretary provides to Congress a certification that—

(1) the Secretary has submitted a request under section 8344(i) or 8468(f) of title 5, United States Code, on or after the date of the enactment of this Act, with respect to positions in procurement offices;

(2) the request described in paragraph (1) was properly filed; and

(3) the Office of Personnel Management has not responded to the request described in paragraph (1), by either approving, denying, or seeking more information regarding such request, within 90 days after the date on which such request was filed.

In section 402, strike subsection (f) and insert the following:

(f) TERMINATION OF AUTHORITY.—Effective 2 years after the date of the enactment of this Act—

(1) all authority to make appointments under subsection (b) shall cease to be available; and

(2) all exemptions under subsection (c) shall cease to be effective.

In the proposed section 837(b), as proposed to be added by section 403 of the bill, after "require the contractor to submit" insert the following: "past performance".

In section 406, strike subsection (c) and redesignate subsection (d) as subsection (c).

In the proposed section 839(b), as proposed to be added by section 407 of the bill, strike paragraph (4).

In the proposed section 839(d), strike "the micro-purchase threshold (as defined in section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428))" and insert "the simplified acquisition threshold (as defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403))".

In the proposed section 839, as proposed to be added by section 407 of the bill, strike subsection (f).

In section 408(c), strike "the Department of Homeland Security shall consider" and insert "The Secretary of Homeland Security shall consider, among the other factors the Secretary deems relevant,".

Strike section 409, redesignate section 410 as section 409, and conform the table of contents accordingly.

In section 409, as so redesignated, strike ''The Secretary'' and insert ''Consistent with any applicable law, the Secretary''.

In section 501, redesignate subsections (g) and (h) as subsections (h) and (i), respectively, and insert after subsection (f), the following new subsection (g):

(g) COMPTROLLER GENERAL REPORT.—The Comptroller General shall conduct a comprehensive review of the retirement system for law enforcement officers employed by the Federal Government. The review shall include all employees categorized as law enforcement officers for purposes of retirement and any other Federal employee performing law enforcement officer duties not so categorized. In carrying out the review, the Comptroller General shall review legislative proposals introduced over the 10 years preceding the date of the enactment of this Act that are relevant to the issue law enforcement retirement and consult with law enforcement agencies and law enforcement employee representatives. Not later than August 1, 2007, the Comptroller General shall submit to Congress a report on the findings of such review. The report shall include each of the following:

(1) An assessment of the reasons and goals for the establishment of the separate retirement system for law enforcement officers, as defined in section 8331 of title 5, United States Code, including the need for young and vigorous law enforcement officers, and whether such reasons and goals are currently appropriate.

(2) An assessment of the more recent reasons given for including additional groups of employees in such system, including recruitment and retention, and whether such reasons and goals are currently appropriate.

(3) A determination as to whether the system is achieving the goals in (1) and (2).

(4) A summary of potential alternatives to the system, including increased use of bonuses, increased pay, and raising the mandatory retirement age, and a recommendation as to which alternatives would best meet each goal defined in (1) and (2), including legislative recommendations if necessary.

(5) A recommendation for the definition of law enforcement officer.

(6) An detailed review of the current system including its mandatory retirement age and benefit accrual.

(7) A recommendation as to whether the law enforcement officer category should be made at the employee, function and duty, job classification, agency or other level, and by whom.

(8) Any other relevant information.

In section 502(a) by inserting after ''transmit to the Committee on Homeland Security'' the following: ''and the Committee on Oversight and Government Reform''.

In section 504, strike subsection (b) and insert the following:

(b) APPOINTMENT AUTHORITY.—The Secretary (acting through the Commissioner of the United States Customs and Border Protection) may, for the purpose of accelerating the ability of the CBP to secure the borders of the United States, appoint annuitants to positions in the CBP in accordance with succeeding provisions of this section, except that no authority under this subsection shall be available unless the Secretary provides to Congress a certification that—

(1) the Secretary has submitted a request under section 8344(i) or 8468(f) of title 5, United States Code, on or after the date of the enactment of this Act, with respect to positions in the CBP;

(2) the request described in paragraph (1) was properly filed; and

(3) the Office of Personnel Management has not responded to the request described in paragraph (1), by either approving, denying, or seeking more information regarding such request, within 90 days after the date on which such request was filed.

In section 504, strike subsection (f) and insert the following:

(f) TERMINATION OF AUTHORITY.—Effective 2 years after the date of the enactment of this Act—

(1) all authority to make appointments under subsection (b) shall cease to be available; and

(2) all exemptions under subsection (c) shall cease to be effective.

In section 505(a), insert after ''statutes'' the following: '' and Office of Personnel Management Regulations and Guidelines''.

Strike section 507, redesignate sections 508 through 513 as sections 507 through 512, respectively, and conform the table of contents accordingly.

In the proposed section 708, as proposed to be added by section 508 of the bill, as so redesignated, strike subsection (b)(1) and insert the following:

''(1) have responsibility for overall Department-wide security activities, including issuing and confiscating credentials, controlling access to and disposing of classified and sensitive but unclassified materials, controlling access to sensitive areas and Secured Compartmentalized Intelligence Facilities, and communicating with other government agencies on the status of security clearances and security clearance applications;''.

Strike section 606 and conform the table of contents accordingly.

In the proposed section 226(c)(1)(A), as proposed to be added by section 701 of the bill, strike ''to monitor critical information infrastructure'' and insert ''for ongoing activities to identify threats to critical information infrastructure''.

In section 702(c)(2), insert after ''Standards and Technology,'' the following: ''the Department of Commerce,''.

Insert after section 702 the following (and conform the table of contents accordingly):

SEC. 703. COLLABORATION.

In carrying out this title, the Assistant Secretary of Homeland Security for Cybersecurity and Communications shall collaborate with any Federal entity that, under law, has authority over the activities set forth in this title.

In section 804(b)(1), strike ''maximum''.

In the proposed section 319(e), as proposed to be added by section 805 of the bill, after ''the project may'' insert the following: '', subject to the availability of appropriations for such purpose,''.

Insert at the end of title VIII the following (and conform the table of contents accordingly):

SEC. 806. AVAILABILITY OF TESTING FACILITIES AND EQUIPMENT.

(a) AUTHORITY.—The Under Secretary for Science and Technology or his designee may make available to any person or entity, for an appropriate fee, the services of any Department of Homeland Security owned and operated center, or other testing facility for the testing of materials, equipment, models, computer software, and other items designed to advance the homeland security mission.

(b) INTERFERENCE WITH FEDERAL PROGRAMS.—The Under Secretary for Science and Technology shall ensure that the testing of materiel and other items not owned by the Government shall not cause government personnel or other government resources to be diverted from scheduled tests of Government materiel or otherwise interfere with Government mission requirements.

(c) CONFIDENTIALITY OF TEST RESULTS.—The results of tests performed with services made available under subsection (a) and any associated data provided by the person or entity for the conduct of such tests are trade secrets or commercial or financial information that is privileged or confidential within the meaning of section 552b(4) of title 5, United States Code, and may not be disclosed outside the Federal Government without the consent of the person or entity for whom the tests are performed.

(d) FEES.—The fees for exercising the authorities under subsection (a) may not exceed the amount necessary to recoup the direct and indirect costs involved, such as direct costs of utilities, contractor support, and salaries of personnel that are incurred by the United States to provide for the testing.

(e) USE OF FEES.—The fees for exercising the authorities under subsection (a) shall be credited to the appropriations or other funds of the Directorate of Science and Technology.

(f) OPERATIONAL PLAN.—Not later than 90 days after the date of the enactment of this Act, the Under Secretary for Science and Technology shall submit to Congress a report detailing a plan for operating a program that would allow any person or entity, for an appropriate feel, to use any center or testing facility owned and operated by the Department of Homeland Security for testing of materials, equipment, models, computer software, and other items designed to advance the homeland security mission. The plan shall include—

(1) a list of the facilities and equipment that could be made available to such persons or entities;

(2) a five-year budget plan, including the costs for facility construction, staff training, contract and legal fees, equipment maintenance and operation, and any incidental costs associated with the program;

(3) A five-year estimate of the number of users and fees to be collected;

(4) a list of criteria for selecting private-sector users from a pool of applicants, including any special requirements for foreign applicants; and

(5) an assessment of the effect the program would have on the ability of a center or testing facility to meet its obligations under other Federal programs.

(g) REPORT TO CONGRESS.—The Under Secretary for Science and Technology shall submit to Congress an annual report containing a list of the centers and testing facilities that have collected fees under this section, the amount of fees collected, a brief description of each partnership formed under this section, and the purpose for which the testing was conducted.

(h) GAO.—Not later than two years after the date of the enactment of this Act, the Comptroller General shall submit to Congress an assessment of the implementation of this section.

Strike section 904 and insert the following (and conform the table of contents accordingly):

SEC. 904. REPORT ON IMPLEMENTATION OF THE STUDENT AND EXCHANGE VISITOR PROGRAM.

Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the appropriate congressional committees a report to update the Government Accountability Office report of June 18, 2004, GAO-04-690, on the Student and Exchange Visitor Program (referred to in this section as ''SEVP'') and specifically the Student and Exchange Visitor Information System (referred to in this section as ''SEVIS''). The report shall include the following information:

(1) The rate of compliance with the current SEVIS requirements by program sponsors

and educational institutions, including non-academic institutions authorized to admit students under SEVIS.

(2) Whether there are differences in compliance rates among different types and sizes of institutions participating in SEVIS.

(3) Whether SEVIS adequately ensures that each covered foreign student or exchange visitor in nonimmigrant status is, in fact, actively participating in the program for which admission to the United States was granted.

(4) Whether SEVIS includes data fields to ensure that each covered foreign student or exchange visitor in nonimmigrant status is meeting minimum academic or program standards and that major courses of study are recorded, especially those that may be of national security concern.

(5) Whether the Secretary of Homeland Security provides adequate access, training, and technical support to authorized users from the sponsoring programs and educational institutions in which covered foreign students and exchange visitors in a nonimmigrant status are enrolled.

(6) Whether each sponsoring program or educational institution participating in SEVP has designated enough authorized users to comply with SEVIS requirements.

(7) Whether authorized users at program sponsors or educational institutions are adequately vetted and trained.

(8) Whether the fees collected are adequate to support SEVIS.

(9) Whether there any new authorities, capabilities, or resources needed for SEVP and SEVIS to fully perform.

Strike section 906, redesignate section 907 as section 906, and conform the table of contents accordingly.

In section 1003, strike subsection (b) and insert the following:

(b) APPOINTMENT AUTHORITY.—The Secretary (acting through the Assistant Secretary for Information Analysis) may, for the purpose of accelerating the ability of the IA to perform its statutory duties under the Homeland Security Act of 2002, appoint annuitants to positions in the IA in accordance with succeeding provisions of this section, except that no authority under this subsection shall be available unless the Secretary provides to Congress a certification that—

(1) the Secretary has submitted a request under section 8344(i) or 8468(f) of title 5, United States Code, on or after the date of the enactment of this Act, with respect to positions in the IA;

(2) the request described in paragraph (1) was properly filed; and

(3) the Office of Personnel Management has not responded to the request described in paragraph (1), by either approving, denying, or seeking more information regarding such request, within 90 days after the date on which such request was filed.

In section 1003, strike subsection (f) and insert the following:

(f) TERMINATION OF AUTHORITY.—Effective 2 years after the date of the enactment of this Act—

(1) all authority to make appointments under subsection (b) shall cease to be available; and

(2) all exemptions under subsection (c) shall cease to be effective.

Strike section 1101, redesignate sections 1102 through 1108 as sections 1101 through 1107, respectively, and conform the table of contents accordingly.

Strike sections 1109, 1110, 1111, redesignate sections 1112 through 1119 as sections 1108 through 1115, respectively, and amend the table of contents accordingly.

Strike section 1120, redesignate section 1121 as section 1116, and amend the table of contents accordingly.

Strike section 1102, as so redesignated, and insert the following:

SEC. 1102. CRITICAL INFRASTRUCTURE STUDY.

The Secretary of Homeland Security shall work with the Center for Risk and Economic Analysis of Terrorism Events (CREATE), led by the University of Southern California, to evaluate the feasibility and practicality of creating further incentives for private sector stakeholders to share protected critical infrastructure information with the Department for homeland security and other purposes.

In section 1103, as so redesignated, strike ''and immigration status databases''.

In the heading for section 1103, as so redesignated, strike ''and immigration review''.

In the proposed section 890A(a), as proposed to be added by section 1106 of the bill, as so redesignated, insert after paragraph (2) the following:

''(3) EXCLUDED PROGRAMS.—This section shall not apply to or otherwise affect any grant issued under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) or the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.).''.

Add at the end of title XI the following (and conform the table of contents accordingly):

SEC. 1117. COMPTROLLER GENERAL REPORT ON CRITICAL INFRASTRUCTURE.

(a) REQUIREMENT.—The Comptroller General of the United States shall conduct a study to—

(1) determine the extent to which architecture, engineering, surveying, and mapping activities related to the critical infrastructure of the United States are being sent to offshore locations;

(2) assess whether any vulnerabilities or threats exist with respect to terrorism; and

(3) recommend policies, regulations, or legislation, as appropriate, that may be necessary to protect the national and homeland security interests of the United States.

(b) CONSULTATION.—In carrying out the study authorized by this section, the Comptroller General shall consult with—

(1) such other agencies of the Government of the United States as are appropriate; and

(2) national organizations representing the architecture, engineering, surveying, and mapping professions.

(c) REPORT.—The Comptroller General shall submit to the Committees on Transportation and Infrastructure, Energy and Commerce, and Homeland Security of the House of Representatives, and to the Senate, by not later than 6 months after the date of the enactment of this Act a report on the findings, conclusions, and recommendations of the study under this section.

(d) DEFINITIONS.—As used in this section—

(1) each of the terms ''architectural'', ''engineering'', ''surveying'', and ''mapping''—

(A) subject to subparagraph (B), has the same meaning such term has under section 1102 of title 40, United States Code; and

(B) includes services performed by professionals such as surveyors, photogrammetrists, hydrographers, geodesists, or cartographers in the collection, storage, retrieval, or dissemination of graphical or digital data to depict natural or man-made physical features, phenomena, or boundaries of the earth and any information related to such data, including any such data that comprises the processing of a survey, map, chart, geographic information system, remotely sensed image or data, or aerial photograph; and

(2) the term ''critical infrastructure''—

(A) means systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters; and

(B) includes the basic facilities, structures, and installations needed for the functioning of a community or society, including transportation and communications systems, water and power lines, power plants, and the built environment of private and public institutions of the United States.

Add at the end of title XI the following (and conform the table of contents accordingly):

SEC. 1118. IMPROVING THE NEXUS AND FAST REGISTERED TRAVELER PROGRAMS.

(a) MERGING REQUIREMENTS OF NEXUS AND FAST.—

(1) IN GENERAL.—The Secretary of Homeland Security shall merge the procedures for the programs described in subsection (j) into a single procedure, with common eligibility and security screening requirements, enrollment processes, and sanctions regimes.

(2) SPECIFIC REQUIREMENTS.—In carrying out paragraph (1), the Secretary shall ensure that the procedures for the programs known as ''NEXUS Highway'', ''NEXUS Marine'', and ''NEXUS Air'' are integrated into such a single procedure.

(b) INTEGRATING NEXUS AND FAST INFORMATION SYSTEMS.—The Secretary of Homeland Security shall integrate all databases and information systems for the programs described in subsection (j) in a manner that will permit any identification card issued to a participant to operate in all locations where a program described in such subsection is operating.

(c) CREATION OF NEXUS CONVERTIBLE LANES.—In order to expand the NEXUS program described in subsection (j)(2) to major northern border crossings, the Secretary of Homeland Security, in consultation with appropriate representatives of the Government of Canada, shall equip not fewer than six new northern border crossings with NEXUS technology.

(d) CREATION OF REMOTE ENROLLMENT CENTERS.—The Secretary of Homeland Security, in consultation with appropriate representatives of the Government of Canada, shall create a minimum of two remote enrollment centers for the programs described in subsection (j). Such a remote enrollment center shall be established at each of the border crossings described in subsection (c).

(e) CREATION OF MOBILE ENROLLMENT CENTERS.—The Secretary of Homeland Security, in consultation with appropriate representatives of the Government of Canada, shall create a minimum of two mobile enrollment centers for the programs described in subsection (j). Such mobile enrollment centers shall be used to accept and process applications in areas currently underserved by such programs. The Secretary shall work with State and local authorities in determining the locations of such mobile enrollment centers.

(f) ON-LINE APPLICATION PROCESS.—The Secretary of Homeland Security shall design an on-line application process for the programs described in subsection (j). Such process shall permit individuals to securely submit their applications on-line and schedule a security interview at the nearest enrollment center.

(g) PROMOTING ENROLLMENT.—

(1) CREATING INCENTIVES FOR ENROLLMENT.—In order to encourage applications for the programs described in subsection (j), the Secretary of Homeland Security shall develop a plan to admit participants in an amount that is as inexpensive as possible per card issued for each of such programs.

(2) CUSTOMER SERVICE PHONE NUMBER.—In order to provide potential applicants with

timely information for the programs described in subsection (j), the Secretary of Homeland Security shall create a customer service telephone number for such programs.

(3) PUBLICITY CAMPAIGN.—The Secretary shall carry out a program to educate the public regarding the benefits of the programs described in subsection (j).

(h) TRAVEL DOCUMENT FOR TRAVEL INTO UNITED STATES.—For purposes of the plan required under section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004, an identification card issued to a participant in a program described in subsection (j) shall be considered a document sufficient on its own when produced to denote identity and citizenship for travel into the United States by United States citizens and by categories of individuals for whom documentation requirements have previously been waived under section 212(d)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(4)(B)).

(i) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) a report on the implementation of subsections (a) through (g).

(j) PROGRAMS.—The programs described in this subsection are the following:

(1) The FAST program authorized under subpart B of title IV of the Tariff Act of 1930 (19 U.S.C. 1411 et seq.).

(2) The NEXUS program authorized under section 286(q) of the Immigration and Nationality Act (U.S.C. 1356(q)).

SEC. 1119. TRAVEL DOCUMENTS.

(a) TRAVEL TO CANADA AND MEXICO.—Section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 is amended by adding at the end the following new paragraphs:

''(3) PASS CARD INFRASTRUCTURE.—The Secretary of Homeland Security shall conduct not less than one trial on the usability, reliability, and effectiveness of the technology that the Secretary determines appropriate to implement the documentary requirements of this subsection. The Secretary may not issue a final rule implementing the requirements of this subsection until such time as the Secretary has submitted to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) a report on the results and outcome of such trial or trials. The report shall include data and evidence that demonstrates that the technology utilized in such trial or trials is operationally superior to other alternative technology infrastructures.

''(4) FLEXIBLE IMPLEMENTATION PERIOD.—In order to provide flexibility upon implementation of the plan developed under paragraph (1), the Secretary of Homeland Security shall establish a special procedure to permit an individual who does not possess a passport or other document, or combination of documents, as required under paragraph (1), but who the Secretary determines to be a citizen of the United States, to re-enter the United States at an international land or maritime border of the United States. The special procedure referred to in this paragraph shall terminate on the date that is 180 days after the date of the implementation of the plan described in paragraph (1)(A).

''(5) SPECIAL RULE FOR CERTAIN MINORS.—Except as provided in paragraph (6), citizens of the United States or Canada who are less than 16 years of age shall not be required to present to an immigration officer a passport or other document, or combination of documents, as required under paragraph (1), when returning or traveling to the United States from Canada, Mexico, Bermuda, or the Carribean at any port of entry along the international land or maritime border of the United States.

''(6) SPECIAL RULE FOR CERTAIN STUDENT MINORS TRAVELING AS PART OF AN AUTHORIZED AND SUPERVISED SCHOOL TRIP.—Notwithstanding the special rule described in paragraph (5), the Secretary of Homeland Security is authorized to consider expanding the special rule for certain minors described in such paragraph to a citizen of the United States or Canada who is less than 19 years of age but is 16 years of age or older and who is traveling between the United States and Canada at any port of entry along the international or maritime border between the two countries if such citizen is so traveling as a student as part of an authorized and supervised school trip.

''(7) PUBLIC OUTREACH.—To promote travel and trade across the United States border, the Secretary of Homeland Security shall develop a public communications plan to promote to United States citizens, representatives of the travel and trade industries, and local government officials information relating to the implementation of this subsection. The Secretary of Homeland Security shall coordinate with representatives of the travel and trade industries in the development of such public communications plan.

''(8) COST-BENEFIT ANALYSIS.—The Secretary of Homeland Security shall prepare an extensive regulatory impact analysis that is fully compliant with Executive Order 12866 and Office of Management and Budget Circular A-4 for an economically significant regulatory action before publishing a rule with respect to the implementation of the requirements of this subsection.''.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act and every 120 days thereafter, the Secretary of Homeland Security shall submit to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) a report on the implementation of paragraphs (3) through (8) of section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004.

Strike title XII and conform the table of contents accordingly.

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

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

Mr. PRICE of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 212, nays 209, not voting 12, as follows:

[Roll No. 316]

YEAS—212

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Eshoo
Etheridge
Farr
Frank (MA)
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—209

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
Mica

Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Space
Stearns
Sullivan
Tancredo
Tanner
Terry
Thornberry
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Brady (PA)
Engel
Fattah
Filner
Johnson, E. B.
Larson (CT)
McMorris Rodgers
Moran (KS)
Renzi
Souder
Tiahrt
Waxman

□ 1751

Mr. WALDEN of Oregon and Mr. JONES of North Carolina changed their vote from ''yea'' to ''nay.''

Mr. HODES, Mrs. GILLIBRAND, and Mr. HILL changed their vote from ''nay'' to ''yea.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

PARLIAMENTARY INQUIRY

Mr. PRICE of Georgia. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. PRICE of Georgia. Mr. Speaker, isn't it true that, under the rules of the House, rule XX, clause 2 states that the vote shall not be held open for the sole purpose of changing the outcome of the vote?

The SPEAKER pro tempore. It is true that, under clause 2(a) of rule XX, a vote by electronic device shall not be held open for the sole purpose of reversing the outcome of such vote.

Mr. PRICE of Georgia. Further inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Georgia will state his parliamentary inquiry.

Mr. PRICE of Georgia. Isn't it true that, on the vote that was just taken, that at a point after the expiration of the time, that in fact the noes had prevailed and that individuals then changed their votes?

The SPEAKER pro tempore. In conducting a vote by electronic device, the Chair is constrained to differentiate between activity toward the establishment of an outcome, on one hand, and activity that might have as its purpose the reversal of an already established outcome, on the other. The Chair will state that this was an ongoing vote.

Mr. PRICE of Georgia. Final inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. PRICE of Georgia. Is the Speaker able to inform the House as to the length of time that that vote was kept open?

The SPEAKER pro tempore. The Chair does not have that information.

Mr. PRICE of Georgia. I thank the Speaker.

The SPEAKER pro tempore. 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.

MOTION TO RECOMMIT OFFERED BY MR. DENT

Mr. DENT. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. DENT. I am in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

MOTION TO RECOMMIT WITH INSTRUCTIONS OFFERED BY MR. DENT OF PENNSYLVANIA

Mr. Dent of Pennsylvania moves to recommit the bill H.R. 1684 to the Committee on Homeland Security with instructions that the committee report the same back to the House forthwith with the following instructions:

At the appropriate place in the bill, insert the following:

SEC. ____. AUTOMATED TARGETING SYSTEM FOR PERSONS ENTERING OR DEPARTING THE UNITED STATES.

(a) FINDINGS OF THE 9/11 COMMISSION.—Congress finds that the National Commission on Terrorist Attacks Upon the United States (commonly referred to as the 9/11 Commission) concluded that—

(1) ''The small terrorist travel intelligence collection and analysis program currently in place has produced disproportionately useful results. It should be expanded. Since officials at the border encounter travelers and their documents first and investigate travel facilitators, they must work closely with intelligence officials.'';

(2) ''Information systems able to authenticate travel documents and detect potential terrorist indicators should be used at consulates, at primary border inspection lines, in immigration service offices, and intelligence and enforcement units.'';

(3) ''The President should direct the Department of Homeland Security to lead the effort to design a comprehensive screening system, addressing common problems and setting common standards with systemwide goals in mind.'';

(4) ''A screening system looks for particular, identifiable suspects or indicators of risk. It does not involve guesswork about who might be dangerous. It requires frontline border officials who have the tools and resources to establish that people are who they say they are, intercept identifiable suspects, and disrupt terrorist operations.''; and

(5) ''Inspectors adjudicating entries of the 9/11 hijackers lacked adequate information and knowledge of the rules. A modern border and immigration system should combine a biometric entry-exit system with accessible files on visitors and immigrants, along with intelligence on indicators of terrorist travel.''.

(b) AUTOMATED TARGETING SYSTEM FOR PERSONS ENTERING OR DEPARTING THE UNITED STATES.—The Secretary of Homeland Security, acting through the Commissioner of Customs and Border Protection, may establish an automated system for the purpose of the enforcement of United States law, including laws relating to anti-terrorism and border security, to assist in the screening of persons seeking to enter or depart the United States (in this section referred to as the ''system'').

(c) ADMINISTRATIVE PROCESS TO CORRECT INFORMATION.—The Secretary, acting through the Commissioner, shall ensure than an administrative process is established, or application of an existing administrative process is extended, pursuant to which any individual may apply to correct any information retained by the system established under subsection (b). Nothing in this section shall be construed as creating a private right of action for any case or claim arising from the application of the system or the corrective administrative process established or applied under this section.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as abrogating, diminishing, or weakening the provisions of any Federal or State law that prevents or protects against the unauthorized collection or release of personal records.

Mr. DENT (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. DENT. Mr. Speaker, if this Congress is serious, truly serious about implementing the recommendations of the 9/11 Commission, Members should vote in favor of this motion to recommit.

The 9/11 Commission told us that we needed to develop a better border security system. And, let me repeat. This amendment implements a key 9/11 Commission recommendation.

Specifically, the 9/11 Commission advised the President to direct the Department of Homeland Security to design a comprehensive screening system that would target particular identifiable suspects or indicators of risk and give border officials the resources to establish that people are who they say they are, intercept identifiable suspects and disrupt terrorist operations. They went on to say and conclude that targeting travel is at least as powerful a weapon against terrorists as targeting their money, and that is the 9/11 Commission Report, recommendation 14, page 385, and recommended that a terrorist travel intelligence collection and analysis program which had produced disproportionately useful results should be expanded.

The Automated Targeting System for Passengers is such a system, and this motion would reinforce our intention to see ATS-P utilized at all of our Nation's international border crossing points.

ATS-P is nothing new. It is already being utilized by U.S. Customs and Border Protection, or CBP. It has been authorized in several appropriations bills, and the Department of Homeland Security has testified before Congress about the program several times.

ATS-P does not violate anyone's constitutional rights. It is deployed only at the border. And Federal courts have said time and time again that screening people who are trying to enter our country at a port of entry is perfectly permissible under the fourth amendment.

All ATS-P does is collect information from available sources, the Treasury Enforcement Communications System, or TECS, and the Passenger Name Record databases, so that CBP can perform risk assessments of people trying to enter the United States.

ATS-P addresses a major software issue that had previously hampered border control efforts. TECS has existed since the 1970s but was written in a cumbersome programming language that was difficult for Border Patrol agents to access. ATS-P just makes it easier for CBP to make inquiries into this database.

The bottom line here is that ATS-P, after factoring in the available information, indicates to the Customs and Border Protection officer whether an international traveler should be flagged for additional screening or questioning. That CBP officer retains the discretion to do with that information as he or she pleases. But by giving advance notice of an investigatory lead, ATS-P allows the officer and the agency to operate more effectively, to engage in screening that is risk-based. It is not surprising, then, that CBP considers ATS-P to be the cornerstone of its targeting efforts at the border.

ATS-P has had notable successes. It has been credited with identifying persons of interest to border security officials in Atlanta, Minneapolis and Boston.

For all of us here in the Congress who are serious about border security, this motion, which supports the already existing ATS-P program, is an absolute no-brainer: It follows the recommendations of the 9/11 Commission. It provides needed information to CBP officers. It does not violate anyone's civil or constitutional rights. And, most importantly, it works. For all the reasons I have just stated, I ask respectfully that you vote in favor of the motion to recommit.

At this time, I yield to the ranking member of the Homeland Security Committee, Mr. KING of New York.

□ 1800

Mr. KING of New York. I thank the gentleman for yielding. I urge adoption of the motion to recommit.

The time has come for the majority party to follow through on its commitment to carry out the recommendations of the 9/11 Commission. This is a basic recommendation of the 9/11 Commission. They have said it again and again. This an essential component.

Just as many provisions of the base bill were stripped out, now the majority, apparently, is opposing this, again, basic component of the 9/11 Commission.

The time has come. You stand with the Civil Liberties Union or you stand with the 9/11 Commission. We stand with the 9/11 Commission and urge the adoption of the motion to recommit.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 1 minute to the gentlelady from California (Ms. ZOE LOFGREN).

The SPEAKER pro tempore. The gentleman may yield, but he may reclaim time as he sees fit.

Ms. ZOE LOFGREN of California. Mr. Speaker, this amendment is a bad idea.

In 1996, I think it was Congressman SENSENBRENNER who proposed the US–VISIT system. That was 11 years ago, and the US–VISIT is not yet fully implemented. That system is to biometrically check aliens who are entering the United States. I believe that to divert Homeland Security from that mission at this point would put our government at further risk.

We are promised by Homeland that US–VISIT will be completely implemented at airports by the end of this year. Land ports, they're not implementing. So I think it would be a huge mistake to start some new system when we haven't even implemented the Sensenbrenner plan from 1996.

I'd like to note further that in the body of the motion to recommit it suggests that it is true that the 9/11 hijackers were not admissible to the United States when they were admitted. But the inspectors at the airport didn't know that, not because of the biometric system. It was because the reasons for their inadmissibility lay in paper files on microfiche in a box in Florida.

We are about to receive a technology upgrade plan from USCIS. In fact, we have been told it is sitting at OMB today. What we need to do is to implement US–VISIT, integrate it with the new technology plan that is about to be brought online. It will be a dreadful mistake for the Congress to defer a Department that is not terrifically functional as is from this vital mission by creating still another program that will not actually do its job.

Mr. DENT. Will the gentlelady yield?

Ms. ZOE LOFGREN of California. No, I will not. That will not actually do its job because we have failed to do the screening of aliens.

I would thank the chairman of the committee for yielding this brief time, and I would urge my colleagues not to divert the Department from the vital mission of implementing US–VISIT.

Mr. THOMPSON of Mississippi. Reclaiming my time, Mr. Speaker, for the record, CBP filed a privacy notice act informing the public that they had been utilizing the Automated Targeting System, otherwise known as ATS, for 5 years without public notice. When I learned of the problems associated with ATS, I immediately joined hundreds of others by filing a comment.

Mr. DENT. Would the gentleman yield?

Mr. THOMPSON of Mississippi. I will not.

Filing a comment requesting that CBP take a second look at this program.

CBP has not re-issued a new notice, and the questions that I and many others have about ATS have not yet been answered. Until a new notice is released, I consider this program and this motion to recommit premature and the program itself highly questionable.

The amount of information collected by ATS and the fact that the information remains in the system for up to 40 years is reason enough to warrant a closer look.

The motion to recommit ignores the privacy act notice process that is under way, and I urge my colleagues to oppose it.

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 motion to recommit.

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

Mr. GOHMERT. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of final passage of the bill.

The vote was taken by electronic device, and there were—yeas 264, nays 160, not voting 8, as follows:

[Roll No. 317]

YEAS—264

Aderholt	Brady (TX)	Cramer
Akin	Braley (IA)	Crenshaw
Alexander	Brown (SC)	Cubin
Altmire	Brown-Waite, Ginny	Culberson
Andrews	Buchanan	Davis (AL)
Bachmann	Burgess	Davis (KY)
Bachus	Burton (IN)	Davis, David
Baker	Buyer	Davis, Jo Ann
Barrett (SC)	Calvert	Davis, Lincoln
Barrow	Camp (MI)	Davis, Tom
Bartlett (MD)	Campbell (CA)	Deal (GA)
Barton (TX)	Cannon	Dent
Bean	Cantor	Diaz-Balart, L.
Biggert	Capito	Diaz-Balart, M.
Bilbray	Carney	Dicks
Bilirakis	Carter	Donnelly
Bishop (UT)	Castle	Doolittle
Blackburn	Chabot	Drake
Blunt	Chandler	Dreier
Boehner	Coble	Duncan
Bonner	Cohen	Edwards
Bono	Cole (OK)	Ehlers
Boozman	Conaway	Ellsworth
Boren	Cooper	Emanuel
Boswell	Costa	Emerson
Boustany	Costello	English (PA)
Boyd (FL)	Courtney	Everett
Boyda (KS)		Fallin

Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Hall (NY)
Hall (TX)
Hare
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hobson
Hodes
Hoekstra
Holden
Hooley
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen
Keller
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McNerney
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Moore (KS)
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Salazar
Sali
Saxton
Schmidt
Schwartz
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Space
Spratt
Stearns
Sullivan
Tancredo
Tanner
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Yarmuth
Young (AK)
Young (FL)

NAYS—160

Abercrombie
Ackerman
Allen
Arcuri
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boucher
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Clarke
Clay
Cleaver
Clyburn
Conyers
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Doyle
Ellison
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Stark
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn

NOT VOTING—8

Brady (PA)
Engel
Fattah
Johnson, E. B.
Larson (CT)
McMorris Rodgers
Renzi
Souder

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LINCOLN DAVIS of Tennessee) (during the vote). Members are advised there are 2 minutes left in this vote.

□ 1825

Mr. GENE GREEN of Texas and Mr. LEVIN changed their vote from ''yea'' to ''nay.''

Messrs. HARE, SESTAK, SIRES, ROSS, COURTNEY, COHEN, YARMUTH, HOLDEN, PERLMUTTER, MILLER of North Carolina, UDALL of Colorado, EMANUEL, SPRATT, ANDREWS, VAN HOLLEN, GORDON of Tennessee, DICKS, COSTA, UDALL of New Mexico, and Ms. HOOLEY changed their vote from ''nay'' to ''yea.''

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

Mr. THOMPSON of Mississippi. Mr. Speaker, pursuant to the instructions of the House on the motion to recommit, I report H.R. 1684 back to the House with an amendment.

I ask unanimous consent that title XII, the Maritime Alien Smuggling provision of the bill, as reported, be restored to the bill.

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

Mr. KING of New York. Mr. Speaker, I reserve the right to object.

The SPEAKER pro tempore. The gentleman from New York is recognized.

Mr. KING of New York. Mr. Speaker, can the gentleman from Mississippi explain the nature of his unanimous consent request?

Mr. THOMPSON of Mississippi. Absolutely. Some Members have raised the issue about the Maritime Alien Smuggling provision of the bill, and we have decided if we can get unanimous consent, we will put it back in the bill, as originally approved by our committee. And we are asking unanimous consent to do it.

Mr. KING of New York. Mr. Speaker, regrettably, not being told in advance, I would have to object to the unanimous consent request.

Mr. THOMPSON of Mississippi. Mr. Ranking Member, there is somebody on your side who received notice of this.

Mr. KING of New York. No one I am aware of has received notice. I am not trying to be disagreeable. This is the first I have heard of it.

Mr. HOYER. If the gentleman will yield, I believe we did give notice. My staff gave notice to the leader's staff, I believe. This came out of committee, as you know, unanimously. I think we are all for this provision. There was a jurisdictional issue raised. I think we have resolved that jurisdictional issue. I know that all your Members voted for it. I think most of our Members would want to vote for it, and we are certainly hopeful that we can move ahead and have this in the bill at this time.

I thank my friend for yielding.

Mr. KING of New York. Mr. Speaker, this is the first I have heard. All I heard from leadership staff several minutes ago was that there might be a unanimous consent request. We were not told any of the details of it whatsoever. I have not seen the language that is proposed to be put back in. And, again, regrettably, at this time, I would have to continue reserving the right to object.

Again, we had almost 20 minutes in the motion to recommit, and if someone would have shown it to us, we could have looked at it. We have not seen it. I have no idea what the language is.

Mr. HOYER. Will my friend yield?

Mr. KING of New York. I will yield, yes.

Mr. HOYER. I don't want to be cute about this, but this was the amendment that was offered by you, I don't mean you personally necessarily, but this was the amendment you just offered. It was not approved, not because we didn't favor it but because we had a jurisdictional issue on our side. And in light of the fact that it is your amendment that you offered and it is an amendment which I think will pass the House handily, I would hope that the gentleman would reconsider or perhaps if we could give him maybe 5 minutes for the purposes of reviewing his amendment to determine whether he is still for his amendment.

Mr. KING of New York. Mr. Speaker, I reserve the right to object. This is the first time we have seen a copy.

Mr. HOYER. This is your amendment we are asking unanimous consent to adopt.

Mr. KING of New York. Again, I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

The Clerk will report the amendment.

The Clerk read as follows:

Amendment:

At the appropriate place in the bill, insert the following:

SEC. ___. AUTOMATED TARGETING SYSTEM FOR PERSONS ENTERING OR DEPARTING THE UNITED STATES.

(a) FINDINGS OF THE 9/11 COMMISSION.—Congress finds that the National Commission on Terrorist Attacks Upon the United States (commonly referred to as the 9/11 Commission) concluded that—

(1) ''The small terrorist travel intelligence collection and analysis program currently in place has produced disproportionately useful results. It should be expanded. Since officials at the border encounter travelers and their documents first and investigate travel facilitators, they must work closely with intelligence officials.'';

(2) ''Information systems able to authenticate travel documents and detect potential terrorist indicators should be used at consulates, at primary border inspection lines, in immigration service offices, and intelligence and enforcement units.'';

(3) ''The President should direct the Department of Homeland Security to lead the effort to design a comprehensive screening system, addressing common problems and setting common standards with systemwide goals in mind.'';

(4) ''A screening system looks for particular, identifiable suspects or indicators of risk. It does not involve guesswork about who might be dangerous. It requires frontline border officials who have the tools and resources to establish that people are who they say they are, intercept identifiable suspects, and disrupt terrorist operations.''; and

(5) ''Inspectors adjudicating entries of the 9/11 hijackers lacked adequate information and knowledge of the rules. A modern border and immigration system should combine a biometric entry-exit system with accessible files on visitors and immigrants, along with intelligence on indicators of terrorist travel.''.

(b) AUTOMATED TARGETING SYSTEM FOR PERSONS ENTERING OR DEPARTING THE UNITED STATES.—The Secretary of Homeland Security, acting through the Commissioner of Customs and Border Protection, may establish an automated system for the purpose of the enforcement of United States law, including laws relating to anti-terrorism and border security, to assist in the screening of persons seeking to enter or depart the United States (in this section referred to as the ''system'').

(c) ADMINISTRATIVE PROCESS TO CORRECT INFORMATION.—The Secretary, acting through the Commissioner, shall ensure than an administrative process is established, or application of an existing administrative process is extended, pursuant to which any individual may apply to correct any information retained by the system established under subsection (b). Nothing in this section shall be construed as creating a private right of action for any case or claim arising from the application of the system or the corrective administrative process established or applied under this section.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as abrogating, diminishing, or weakening the provisions of any Federal or State law that prevents or protects against the unauthorized collection or release of personal records.

□ 1830

Mr. PRICE of Georgia (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

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

Mr. PASCRELL. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk continued to read.

Mr. PRICE of Georgia. Mr. Speaker, I ask unanimous consent that the reading be dispensed with.

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

Mr. WATT. I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk continued to read.

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

PARLIAMENTARY INQUIRY

Mr. JACKSON of Illinois. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state a parliamentary inquiry.

Mr. JACKSON of Illinois. Mr. Speaker, the gentleman asked for a unanimous consent request. The minority rejected it, and now I understand that the Clerk continued the reading, and I get the impression that we are moving to a vote.

My inquiry is, because the unanimous consent request was brought up under unanimous consent and there was an objection, isn't that the end of it?

That is my parliamentary inquiry.

The SPEAKER pro tempore. The unanimous consent request actually addressed a separate amendment from the one reported back forthwith by the gentleman from Mississippi.

Mr. JACKSON of Illinois. So we're moving to a vote now on the amendment that was objected to brought up under unanimous consent. I'm asking for an inquiry. If the Speaker would kindly just explain to me what process we're in.

The SPEAKER pro tempore. The question is on the amendment that was proposed in the motion to recommit. That amendment has been reported forthwith and is the issue before the House.

Mr. JACKSON of Illinois. I thank the Speaker.

So we're voting on the Thompson amendment.

The SPEAKER pro tempore. No. The question before the House is the amendment reported by the chairman of the Committee on Homeland Security as ordered by the House's adoption of the motion to recommit.

The question is on the amendment.

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

PARLIAMENTARY INQUIRY

Mr. PRICE of Georgia. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Georgia is recognized for a parliamentary inquiry.

Mr. PRICE of Georgia. How did the Speaker call the voice vote?

The SPEAKER pro tempore. The noes prevailed.

Does the gentleman from Georgia ask for a recorded vote?

Mr. PRICE of Georgia. I ask for a recorded vote.

The SPEAKER pro tempore. A recorded vote is requested.

Those in favor of a recorded vote will rise.

Mr. ABERCROMBIE. Mr. Speaker, parliamentary inquiry.

How much time has to pass before you get to stand up and ask for a vote after you've already ruled? You can't stand there forever and do that. Now let's run this thing right. The vote's over.

The SPEAKER pro tempore. The gentleman from Georgia was on his feet and seeking recognition in a timely manner.

PARLIAMENTARY INQUIRIES

Mr. LINDER. Mr. Speaker, I have a parliamentary inquiry.

Isn't it true that the motion to recommit was passed by a recorded vote?

The SPEAKER pro tempore. Yes.

Mr. LINDER. Isn't it further true that the motion to recommit was brought back with the bill for final passage and that last motion was on final passage and you called the vote a ''no''?

The SPEAKER pro tempore. No. The last vote was on the amendment reported back forthwith.

Mr. LINDER. Actually, the amendment was already agreed to and it came back with the final bill. There was no call for a separate vote on the amendment again.

The SPEAKER pro tempore. That is not correct. The adoption of the motion to recommit caused a report forthwith that placed an amendment before the House, which separately bears adoption by the House.

Mr. LINDER. By vote about 20 minutes ago.

The SPEAKER pro tempore. The Chairman of the Committee reported the bill back to the House with an amendment, which amendment still must be disposed of.

Mr. LINDER. With instructions, with the amendment included in it. So the only vote left for you to put before the House is the vote on final passage, and you called it a ''no'' vote.

The SPEAKER pro tempore. That is not correct. The question must be taken on the amendment reported forthwith.

The Chair recognizes the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, as I understand it, the parliamentary situation in which we find ourselves is that we adopted a motion to recommit forthwith to be reported back with an amendment. That amendment was adopted favorably. When the vote was called, you indicated that amendment was defeated.

My parliamentary inquiry: Would at this point in time a motion to reconsider that vote be in order?

The SPEAKER pro tempore. Yes . . . the request for a recorded vote aside.

Mr. HOYER. I would suggest that a motion to reconsider might solve the problem.

Mr. Speaker, I ask unanimous consent that the last voice vote be vacated and that the question be put de novo.

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

PARLIAMENTARY INQUIRIES

Mr. BAKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Louisiana.

Mr. BAKER. I believe the gentleman, in order to offer the motion to reconsider, would have to be on the prevailing side, and I would question the gentleman's vote on the matter.

Mr. HOYER. By the way, I'm trying to help the gentleman. You may have missed that, but I'm trying to help your side. But we can do it by unanimous consent that it be done de novo.

Parliamentary inquiry. And just so that the gentleman from Louisiana knows, on a voice vote, of course, because there is not a recorded vote, anybody can ask for a motion to reconsider because there is no record as to who voted on the prevailing side or who voted on the opposing side.

But, notwithstanding that, I press my motion de novo; that, in other words, the question be placed, once again, de novo.

The SPEAKER pro tempore. Is there objection to vacating the voice vote and taking the question de novo?

Without objection, so ordered.

There was no objection.

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

The amendment was agreed to.

The SPEAKER pro tempore. 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 noes appeared to have it.

RECORDED VOTE

Mr. THOMPSON of Mississippi. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 296, noes 126, not voting 10, as follows:

[Roll No. 318]

AYES—296

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Jo Ann
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Eshoo
Etheridge
Fallin
Farr
Ferguson
Filner
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Petri
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Rodriguez
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOES—126

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Doolittle
Drake
Dreier
Duncan
Ehlers
English (PA)
Everett
Feeney
Flake
Forbes
Foxx
Franks (AZ)
Gallegly
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hensarling
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
King (IA)
Kingston
Kline (MN)
Kucinich
Lamborn
Lewis (CA)
Lewis (KY)
Linder
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McHenry
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pence
Peterson (PA)
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Rogers (AL)
Rogers (KY)
Rohrabacher
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shuster
Simpson
Smith (NE)
Smith (TX)
Stark
Stearns
Sullivan
Tancredo
Walberg
Walden (OR)
Wamp
Weldon (FL)
Westmoreland
Wicker
Wilson (SC)
Young (AK)

NOT VOTING—10

Brady (PA)
Engel
Fattah
Herger
Johnson, E. B.
Larson (CT)
McMorris Rodgers
Renzi
Souder
Udall (CO)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised less than 2 minutes remain in this vote.

□ 1851

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. LARSON of Connecticut. Madam Speaker, I would like to submit this statement for the RECORD and regret that I could not be present today, Wednesday, May 9, 2007 to vote on rollcall vote Nos. 310, 311, 312, 313, 314, 315, 316, 317 and 318 due to a family medical situation. Had I been present, I would have voted:

"Yea" on rollcall vote No. 310 on ordering the previous question on H. Res. 382;

"Yea" on rollcall vote No. 311 on agreeing to H. Res. 382, the rule providing for consideration of H.R. 1684, the Fiscal Year 2008 Department of Homeland Security Authorization Act;

"Yea" on rollcall vote No. 312 on agreeing to H. Res. 383, the rule providing for consideration of H.R. 1873, the Small Business Fairness in Contracting Act;

"Yea" on rollcall vote No. 313 on the motion to suspend the rules and pass H.R. 890, the Student Loan Sunshine Act that establishes requirements for lenders and institutions of higher education in order to protect students and other borrowers receiving educational loans;

"Aye" on rollcall vote No. 314 on the amendment H.R. 1684 that would strike some provisions of the bill, add reporting requirements, revises annuitant provisions, and require a GAO report on law enforcement retirement systems;

"Aye" on rollcall vote No. 315 on the amendment to H.R. 1684 that would remove section 407 of the bill, which requires that identification cards, uniforms, protective gear, and badges of Homeland Security personnel be manufactured in the United States;

"Yea" on rollcall vote No. 316 on the amendment H.R. 1684 that would strike some

provisions of the bill, add reporting requirements, revises annuitant provisions, and require a GAO report on law enforcement retirement systems;

"Nay" on rollcall vote No. 317 on the motion to recommit H.R. 1684 with instructions;

"Aye" on rollcall vote No. 318 on final passage of H.R. 1684, the Fiscal Year 2008 Department of Homeland Security Authorization Act.

PERMISSION FOR AMENDMENT NO. 4 TO BE OFFERED AT ANY TIME DURING CONSIDERATION OF H.R. 1873, SMALL BUSINESS FAIRNESS IN CONTRACTING ACT

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 1873 in the Committee of the Whole, pursuant to House Resolution 383, amendment No. 4 by Mr. SESTAK be permitted to be offered at any time.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

Mr. PRICE of Georgia. Mr. Speaker, reserving the right to object, would you mind explaining exactly what that amendment pertains to and whether or not this has been discussed with our side?

Ms. VELÁZQUEZ. I thought that the ranking member was agreeable. Mr. SESTAK is in a markup on the Committee on Armed Services. We cleared this with your staff.

Mr. CHABOT. Mr. Speaker, if the gentlelady will yield, the amendment has been discussed with our side, and we are satisfied with it. It was a mistake made essentially between Rules and here.

Mr. PRICE of Georgia. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

GENERAL LEAVE

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and enter into the RECORD extraneous material on the bill under consideration and that the CBO cost estimates for H.R. 1873 as reported by the Small Business Committee be entered into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

The text of the Congressional Budget Office Cost Estimate is as follows:

MAY 7, 2007.

Hon. NYDIA M. VELÁZQUEZ,
Chairwoman, Committee on Small Business, House of Representatives, Washington, DC.

DEAR MADAM CHAIRWOMAN: The Congressional Budget Office has prepared the enclosed estimate for H.R. 1873, the Small Business Fairness in Contracting Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Pickford, who can be reached at 226–2860.

Sincerely,

PETER R. ORSZAG.

Enclosure.

H.R. 1873—Small Business Fairness in Contracting Act

Summary: H.R. 1873 would make several changes to the laws that promote and encourage federal agencies to contract for goods and services with small businesses. The legislation would amend the definition of ''bundled contracts'' (the practice of combining two or more contracts into a single agreement) for the procurement of goods and services and require agencies to better justify the need for such larger contracts rather than smaller ones that could be available to small businesses. The federal government currently has a goal of acquiring 23 percent of most goods and services from small business. The bill would increase that goal to 30 percent and apply it to each agency individually, as well as to all agencies collectively. H.R. 1873 also would require the Small Business Administration (SBA) to develop new regulations and new databases and to conduct other efforts to encourage and promote the use of small businesses in government contracting.

CBO estimates that implementing H.R. 1873 would cost $83 million in fiscal year 2008 and $945 million over the 2008–2012 period, subject to the availability of appropriated funds. We expect that most of those costs would fall on the largest agencies the Department of Defense, the Department of Energy, and the National Aeronautics and Space Administration—that have not met the current goal for contracting with small businesses. Enacting the bill would have no effect on direct spending or revenues.

The legislation contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 1873 is shown in the following table. The costs of this legislation fall within budget function 370 (commerce and housing credit) and all other budget functions that include spending to procure goods and services.

	By fiscal year, in millions of dollars—				
	2008	2009	2010	2011	2012
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Administration of Governmentwide Procurement:					
Estimated Authorization Level	100	175	200	240	260
Estimated Outlays	80	150	200	240	260
Small Business Administration:					
Estimated Authorization Level	3	3	3	3	3
Estimated Outlays	3	3	3	3	3
Total Changes:					
Estimated Authorization Level	103	178	203	243	263
Estimated Outlays	83	153	200	243	263

Basis of estimate: For this estimate, CBO assumes that H.R. 1873 will be enacted near the end of fiscal year 2007, that the necessary amounts will be appropriated over the 2008–2012 period, and that outlays will follow historical spending patterns for contract administration spending. CBO estimates that implementing H.R. 1873 would cost $83 million in 2008 and $945 million over the 2008–2012 period, assuming appropriation of the necessary funds.

Administration of governmentwide procurement

H.R. 1873 would change the definition of bundled contracts to include the procurement of new and existing goods or services with a value of at least $1.5 million and construction projects worth more than $65 million. Under the bill, agencies would have to justify the use of bundled contracts by evaluating whether or not such work could be performed by small business. The SBA could appeal to the Office of Federal Procurement Policy to determine whether the use of bundled contracts by an agency is justified. In addition, H.R. 1873 would amend current law to increase the goal of using contracts with small businesses from the current governmentwide goal of 23 percent of the value of all contracts to 30 percent. In addition, the goal would apply to each agency individually, as to well as all agencies collectively.

Based on information from agencies with the most procurement spending and an analysis of SBA reports on governmentwide and small business contracts, CBO expects that implementing the bill would have a significant discretionary cost to review and analyze the need for bundled contracts, prepare additional market research to identify small business concerns able to perform government contracts and provide necessary products, and expand existing mentoring and developmental programs to prepare small business to obtain government procurement opportunities. Based on current contract administration costs and the size and characteristics of those contracts, CBO estimates that complying with H.R. 1873 would increase costs by about $200 million annually—or about 7 percent of the roughly $2.5 billion that CBO estimates is spent each year to administer the government's procurement contracting efforts. We expect that this increase would occur over a 3-year period. Thus, the estimated costs are phased in between 2008 and 2010. Most of this cost would be incurred to administer additional smaller contracts.

Governmentwide procurement

CBO expects that agencies would continue to encourage the use of small business for the procurement of goods and services and seek to meet the goal for such contracts in this legislation. CBO expects, however, that agencies would continue to purchase goods and services at the lowest price available and that small business contracting goals would be met to the extent that doing so would not significantly increase the cost of procuring needed goods and services.

Small Business Administration

Several provisions of H.R. 1873 would increase the responsibilities of the SBA to monitor and support small business preferences in government contracting and procurement. Such responsibilities would include reviewing bundled contracts and auditing contractor databases. Based on information from SBA, CBO estimates that implementing those provisions would cost about $3 million per year, subject to the availability of appropriated funds.

Intergovernmental and Private-Sector Impact: H.R. 1873 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

Previous CBO estimate: On May 7, 2007, CBO also transmitted a cost estimate for H.R. 1873 as ordered reported by the House Committee on Oversight and Government Reform on May 3, 2007. The version of the bill ordered reported by the Committee on Oversight and Government Reform would not significantly change the current governmentwide goal for contracting with small businesses, and thus, CBO expects it would be less costly to implement.

Estimate prepared by: Federal Costs: Matthew Pickford and Susan Willie; Impact on State, Local, and Tribal Governments: Elizabeth Cove; Impact on the Private Sector: Craig Cammarata.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

SMALL BUSINESS FAIRNESS IN CONTRACTING ACT

The SPEAKER pro tempore. Pursuant to House Resolution 383 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 1873.

□ 1852

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1873) to reauthorize the programs and activities of the Small Business Administration relating to procurement, and for other purposes, with Mr. LINCOLN DAVIS of Tennessee in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Ohio (Mr. CHABOT) each will control 30 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, there is no question that the Federal marketplace continues to grow at record rates. Just last year, the Federal Government spent $417 billion on goods and services. While the government's buying power is increasing, small businesses' opportunities and access to this market is decreasing. With unfair competition and the combining of government projects, entrepreneurs are being shut out of the Federal market. Currently, the state of procurement for small businesses is one that does more to create barriers than it does to encourage participation.

What we have heard time and time again is that access to government projects is out of the reach of small firms. The barriers in the way of accessing this work is clear, among them, the bundling of contracts, the lack of a strongly enforced small business contracting goal and large firms receiving contracts intended for small firms.

For the past 6 years, the government has failed to meet its 23 percent small business contracting goal, costing entrepreneurs last year alone as much as $4.5 billion in lost contracting opportunities. With small businesses creating three out of every four new jobs in this country, they deserve to compete on a level playing field for government work. Small firms do not deserve to be left out of the Federal marketplace but, instead, to be given every tool needed to continue to spur economic growth.

The number one reason the small business contracting goal is not being met is because of the bundling of contracts. Individual contracts being combined works to exclude small firms from bidding on them and often results in higher costs to taxpayers and decreased value for the government. For every $1,800 awarded in a bundled contract, there is a $33 decrease to small businesses. When contracts are bundled together creating ''super-contracts,'' they become too large for entrepreneurs to compete.

In 2002, the President pledged during the administration's announcement of their small business agenda that, ''We're going to insist we break down large Federal contracts so that small business owners have got a fair shot at Federal contracting.'' This legislation finally puts his words into action.

To create the illusion that the goal is being met, agencies are using contracts awarded to large companies and including them toward their small business contracting goal. In 2005, approximately $12 billion in contracts were falsely counted. This gives the impression that agencies are doing more work with small firms than they actually are.

Access to the Federal marketplace is an important mechanism for growth for small businesses. If competition for government projects is not fair, there is no way we can expect entrepreneurs to grow and expand their ventures. This not only benefits entrepreneurs, but also puts taxpayers' dollars to good use. For every dollar in contracts, $7 in revenue is generated for the Federal Government.

Clearly, large businesses have more resources than small firms. Oftentimes they have access to more capital, can hire more staff and have fewer barriers in the way of marketing and expanding their companies. The last thing they need to be doing is taking contracts intended for small businesses.

H.R. 1873 is a bipartisan effort introduced by Mr. BRALEY. I want to commend Mr. BRALEY for his work on addressing small business procurement issues and bringing this bill up for consideration.

This legislation will help open the marketplace for small business contracts. It ensures that fair competition is enforced and that small firms are given the opportunities they deserve to work with the Federal Government.

With the government being the largest buyer of services and goods and small businesses being the largest job creators, increased partnership between these two is the best value for the taxpayer dollar, and not only benefits entrepreneurs, but communities all across the country.

I strongly urge my colleagues to vote for the Small Business Fairness in Contracting Act.

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

Mr. CHABOT. Mr. Chairman, I yield myself such time as I may consume.

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

Mr. CHABOT. Mr. Chairman, tonight I rise in support of H.R. 1873, the Small Business Fairness in Contracting Act. As an original cosponsor of this legislation, we worked closely with Chairwoman VELÁZQUEZ and Representative BRALEY to draft a good, bipartisan bill that passed the Small Business Committee by voice vote and was cosponsored by nearly all the members of the committee.

Our legislation was intended to reform the contracting process, increase competition and provide a better value to the taxpayer. The legislation also takes steps to provide greater opportunities to small businesses and addresses problems with the Federal procurement database.

Promoting competition and increasing suppliers depends on the active participation of small businesses, the fastest growing segment of the American economy.

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Without small business's participation, the government is forced to rely on fewer and fewer businesses to satisfy its need for goods and services. This concentration is bad for the government and worse for the tax-paying public. For that reason, utilization of small businesses to fulfill government contracts has been a long-standing policy, a policy that is neither Republican nor Democrat.

Unfortunately, the bill we are considering today, while making many important reforms, is watered down from the original version we introduced.

I commend Chairman VELÁZQUEZ and her staff for working tirelessly to try and protect the sound work done by the Committee on Small Business.

I also want to thank the Rules Committee, and especially Chairwoman SLAUGHTER and Ranking Member DREIER, for allowing me to offer three important amendments, along with three of my Democratic colleagues, to restore significant provisions of the original bill.

One amendment that I proposed with Mr. SESTAK, however, was not ruled in order. This amendment would have restored a provision of our original Small Business Committee bill related to contract bundling. Contract bundling is a procurement strategy that represents a potential obstacle to small business participation in the Federal marketplace. Contract bundling allows Federal procurement officials to manage the procurement process using fewer contracts. At times, contract bundling may be appropriate. At other times, it may reduce competition by combining multiple contracts for goods or services that could be provided separately into a single contract that small businesses are incapable of performing.

Nothing in our original bill as reported by the Committee on Small Business would have completely prevented the Federal Government from bundling contracts, nor is there anything in the bill that we are debating

today that prevents contracts from being bundled. Instead, we take the view that bundling can be beneficial if the government gets substantial, measurable benefits in terms of better prices or higher quality or critical delivery terms.

However, our original bill would have required that Federal contracting officers examine their contracting strategies to ensure that the government was receiving real benefits through bundled contracts and also consider the potential loss of competition from small businesses being excluded. Or as President Reagan might have put it, trust but verify.

The bill we are debating now reduces the amount of contracts subject to the trust but verify standard as compared to our original bill. It does, however, represent an increase from current law in the number of contracts that will be scrutinized. With that in mind and with the amendments made in order, including a separate amendment by Mr. SESTAK, the bill moves us modestly in the right direction.

I would hope that as we proceed, and especially in conference, we continue to strengthen the trust but verify standards relative to bundled contracts.

While this may create more work for Federal contracting officers, it also ensures that the Federal procurement process protects competition in the long run while ensuring that the government benefits in the short run from necessary bundled contracts.

As we work through the legislative process with the Senate, it is important that a sensible mechanism exist for an independent arbiter to resolve disputes between the SBA and the agency issuing a bundled contract. It seems unfair that the SBA's only avenue of appeal is to the agency that is doing the procurement. Would anybody be surprised to learn that the administrator has never won an appeal on an agency head on a disputed bundled contract? Not once.

Nor should the legislation as it works its way to final passage substitute an appeals process by affected small businesses for that of the Small Business Administrator. Requiring a small business to challenge an agency's decision pits a David against a Goliath. But, unlike the biblical account, Goliath usually win these battles.

In addition to the provisions on bundling, the bill we are considering today increases the goals for prime Federal contracts to small businesses. But in my estimation and why I offered amendments is that the increase in the bill does not recognize the 10 percent growth in the number of small businesses since 1997, the last time the goals were raised. Nor does the modest increase from 23 to 25 percent recognize substantial technological changes and the capacity of small businesses to perform contracts overseas. Amendments we will be considering will raise those standards to appropriate levels and recognize the capacity of small businesses to perform work overseas.

In addition, I would ask the chairwoman that we work together to remove a provision included in the bill by the Committee on Oversight and Government Reform that treads on the sole jurisdiction of the Committee on Small Business. I believe that sets a bad precedent for future legislation in the House.

I also find that the provisions in title III of the bill are worthy of support. I congratulate the Committee on Oversight and Government Reform as well as members of the Committee on Small Business on working to eradicate errors in critical Federal procurement databases. These changes, although seemingly arcane, will ensure that contracting officers award contracts intended to small businesses to actual small businesses.

While this bill is not as strong as the version adopted by the Small Business Committee, it nevertheless represents an improvement over existing law. I will continue to work to further strengthen this bill and to ensure that small businesses have their fair opportunity to participate in the Federal procurement process.

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

Ms. VELÁZQUEZ. Mr. Chairman, I yield to the gentleman from California (Mr. WAXMAN), chairman of the Committee on Oversight and Government Reform, such time as he may consume; and I want to take this opportunity to thank him for his work on this legislation.

Mr. WAXMAN. Mr. Chairman, H.R. 1873, the Small Business Fairness in Contracting Act, would make a number of improvements to the preferences given small businesses in Federal contracts.

The bill is the product of much hard work by both the Small Business Committee and the Oversight Committee and reflects our consensus view on many important issues, and I would like to thank Chairwoman VELÁZQUEZ and the Small Business Committee for working with us to address their legitimate concerns and to reach the correct balance in this bill.

I would also like to commend Congressman BRALEY, a member of both the Small Business and Oversight Committees, for his leadership on this issue. I also thank the ranking member of the Oversight Committee, Congressman TOM DAVIS.

The bill represents a delicate balance between appropriate assistance for small businesses through the Federal acquisition system and the overriding purpose of the system, which must always be to ensure that taxpayers get the best value for their money.

The bill also starts us on the path of addressing the current contracting preference enjoyed by Alaska Native Corporations. These groups can be awarded Federal contracts of any size without competition.

To address these concerns about ANC contracts and promote competition in contracting, the bill includes a provision which would give Congress until the end of the year to adopt legislation addressing sole-source contracting by Alaska Native Corporations and economically disadvantaged Indian tribes. If we fail to act during this ''placeholder'' period, the bill would then require the administration to consult with Alaska Natives and Indian tribes to establish an appropriate limit on the size of the sole-source awards to these groups.

In crafting this provision, I have worked closely with the gentleman from Michigan (Mr. KILDEE), who is Democratic Chair of the Congressional Native American Caucus; and at this time I yield to the gentleman from Michigan (Mr. KILDEE) for the purpose of engaging in a colloquy.

Mr. KILDEE. I want to thank my chairman for yielding to engage in a colloquy on a matter of great importance to Native Americans.

Congress has long been concerned about addressing the social ills that plague our Native American communities which stem from the policies of the United States that were designed to terminate tribal nations and their culture.

While we cannot erase the deplorable history of Indian policy in the United States, Congress has sought to honor the political status of tribal governments by enacting a wide range of laws designed to promote Indian self-determination and economic self-sufficiency. The entirety of title 25 of the United States Code is a compilation of all Federal laws relating to Indians that seek to achieve those goals.

Congress has established the Native 8(a) program in furtherance of those Federal policies to foster strong economies in Native communities. The program is an important tool which has significant benefits to Native communities.

I understand that the authorizing committees have concerns relating to the Native 8(a) program, and I thank Chairman WAXMAN for agreeing to placeholder language at section 211 so we may continue our dialogue with the participants of that program to find a permanent solution to the committee's concern.

In addressing the committee's concerns, however, it is my strong desire that we balance the interest of all parties and that any change to that program take into account our trust relationship with tribal nations and the communities they serve.

I thank the gentleman for yielding.

Mr. WAXMAN. I think the gentleman makes a number of excellent points about the sorry history of Indian policy in the United States. I agree with him that the intent of this provision is to start a dialogue which can recognize the legitimate concerns of Alaska Natives and American Indians, while at the same time preserving the integrity of the Federal contracting process.

I congratulate the chairwoman of the Small Business Committee and thank her for her willingness to work with us.

Mr. CHABOT. Mr. Chairman, I continue to reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield such time as he may consume to the gentleman from Iowa (Mr. BRALEY), the sponsor of the bill and the chairman of the Contracting and Technology Subcommittee of the Small Business Committee.

Mr. BRALEY of Iowa. I thank the gentlewoman for yielding me this time.

Last month, I introduced H.R. 1873, the Small Business Fairness in Contracting Act. Today, I rise as a voice for small business owners everywhere who want a fighting chance to compete for Federal contracts.

I would like to take a moment to thank Chairwoman NYDIA VELÁZQUEZ and Ranking Member STEVE CHABOT. I am pleased H.R. 1873 has such strong bipartisan support and is co-sponsored by nearly the entire Small Business Committee.

Additionally, I would like to thank Oversight and Government Reform Chairman HENRY WAXMAN and Ranking Member TOM DAVIS for their prompt consideration of this bill.

Finally, I would like to thank Rules Committee Chairwoman LOUISE SLAUGHTER and Ranking Member DAVID DREIER for acting on this bill. It is clear to me that members of all these committees understand the important role small businesses play in our communities.

Over the past 5 years, government agencies have greatly increased the practice known as contract bundling, oftentimes combining work that small businesses could perform into giant packages that exceed small firms' ability to compete for this work. During this same time, total government contracting has increased by 60 percent, while the number of small business contracts has decreased by 55 percent.

This is unacceptable; and that is why it is so important that today we are considering the Small Business Fairness in Contracting Act, sending a message to small businesses that this Congress is serious about leveling the playing field for them by improving their opportunities to compete for Federal contracts.

H.R. 1873 also increases competition in the contracting process, which can lead to lower prices for the government.

As we know, small businesses are the number one job creators in this country, and we must ensure that this engine remains not only healthy but also has the support it needs to grow. It is essential to remove the barriers blocking small businesses from entering the nearly $400 billion per year Federal marketplace.

Public support for this bill is broad and bipartisan. The Small Business Fairness in Contracting Act was cosponsored by 29 Representatives, 17 Democrats and 12 Republicans. H.R. 1873 has been endorsed by the National Federation of Independent Business, the Associated General Contractors, the National Small Business Association, Women in Public Policy, the U.S. Women's Chamber of Commerce, and the U.S. Hispanic Chamber of Commerce.

My State of Iowa ranks near the bottom in terms of government contracting dollars awarded to small businesses. Even though 477 small businesses in my district are registered with the Small Business Administration, the dollar value of contracts awarded to those businesses is a tiny fraction of the Federal contract pie. Everyone in this House understands the important role that small businesses play in each of our districts. Allowing them a fair opportunity to bid on Federal contracts will bring economic vitality to our towns and cities.

I thank all of my colleagues who join me today in standing up for the interests of small businesses in this country.

Mr. CHABOT. Mr. Chairman, we have no further speakers, and I yield back the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I would like to close by saying that it has been over a decade since a small business contracting bill has come to the floor. Clearly, addressing the concerns of entrepreneurs in regards to procurement is long overdue and much needed.

I just want to take this opportunity to thank Ranking Member CHABOT for all of his hard work and his collaboration in working on this legislation. I also want to thank Mr. BRALEY and to take this opportunity to thank the staff that worked on this bill.

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From the minority staff, Barry Pineles; from Mr. BRALEY's staff, Tom Wolf and Mike Goodman; from Mr. WAXMAN's staff, Mark Stevens and Phil Barnett; and from the majority staff, LeAnn Delaney and Melody Reis and Russ Orban.

I strongly urge my colleagues to vote for the Small Business Fairness in Contracting Act.

Mr. HOLT. Mr. Chairman, I rise today in support of H.R. 1873, the Small Business Fairness in Contracting Act.

Small businesses are a big part of the U.S. economy. In fact, small businesses employ more than half of all private sector employees and pay 45 percent of the total U.S. private payroll. New jobs come disproportionately from small businesses, which generated 60 to 80 percent of new jobs in the past 10 years.

Although federal government contracting practices are required by law to be supportive of small businesses, the bundling of contracts has prevented many small businesses from being able to compete fairly. This is a significant loss to small businesses, as federal contracts pay a total of $400 billion annually to contractors. H.R. 1873 gives small businesses a fair chance at competing for these contracts by preventing the contract bundling that has excluded them from being considered. In doing this, the Act also insures that taxpayer money is spent more efficiently, as more competition for government contracts will necessarily result in better use of public funds.

The Act further improves small business contracting practices by creating a system by which small businesses and opportunities for small businesses can be better catalogued and tracked. If a business has grown and should no longer be considered small, we will know, and well give priority to true small businesses. If a large business has not subcontracted enough to small businesses, we will know, and we will assist small businesses in finding these subcontracting opportunities.

When small businesses can compete fairly and are made aware of the opportunities provided them, jobs are created, entrepreneurship thrives, and the overall economy prospers. I therefore encourage my colleagues to support this resolution.

Ms. HIRONO. Mr. Chairman, I rise in support of H.R. 1873, the Small Business Fairness in Contracting Act.

This bill creates a competitive bid process in the federal marketplace by restricting the ability of federal agencies to generate contracts that are too large for small businesses to compete effectively. Within the last 7 years, larger firms have benefited from the bundling of contracts while the total number of contracts received by small businesses has declined nationwide by 55 percent. H.R. 1873 increases the goal for small-business participation in federal contracts to at least 25 percent and requires the Small Business Administration to work with government agencies each fiscal year to establish and meet contracting goals that benefit small businesses.

Small businesses represent the overwhelming majority of businesses in Hawaii and play a vital role in economic growth for the state. H.R. 1873 will provide increased opportunities for Hawaii's small business community to compete for federal contracts that formerly were bundled and ended up going to larger out-of-state corporations.

Of course, this bill will help small businesses throughout the country compete for their fair share of federally funded projects.

I urge my colleagues to support this measure.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in strong support of H.R. 1873, the Small Business Fairness in Contracting Act. From the bodegas of the Bronx to your favorite family owned restaurant scattered across the plains of small town America, small businesses are the backbone of the American economy. These entities epitomize the spirit of the American dream, and they speak to everything that is wonderful about our society. Small businesses represent an opportunity for those individuals who dare to dream, who take a chance, and who wish to fulfill that entrepreneurial spirit that built this mighty Nation. I find it interesting that we are giving this bill consideration in the midst of a heated immigration debate, because one will find that a significant number of immigrants start small businesses as a means to realizing the American dream. They enrich the local community while bringing in much needed tax revenue, the same revenue that helped build New York City, Chicago, and Boston back at the turn of the 20th century. Turning our focus back to H.R. 1873, the Small Business Fairness in Contracting

Act, I rise in strong support of this legislation as it ensures that the federal government maintains a strong commitment to small businesses, as they try to remain competitive in a growing global economy.

This legislation increases the government-wide goal for participation by small-business concerns in all contracts awarded in a fiscal year to no less than 25 percent, from the current 23 percent. This legislation also increases the government-wide goal for procurement for small disadvantaged and women-owned businesses to 8 percent from 5 percent. The bill also requires each federal agency to submit to the SBA and Congress a detailed plan outlining how the agency plans to meet its small-business goals each fiscal year.

As a body, we the members of this 110th Congress have a duty to protect the needs of the average American. By passing this legislation we ensure the owners of small businesses across the country that the 110th Congress eagerly performed their duties.

Mr. LARSON of Connecticut. Mr. Chairman, I regret that I could not be present today because of a family medical situation and I would like to submit this statement for the record in support of H.R. 1873, the Small Business Fairness in Contracting Act.

All too often mega contracts are too large for small business to compete for in the federal marketplace. Last year, the federal government spent more than $417 billion on goods and services in over 8 million contracts in 2006, of which small businesses won about $80 billion (22 percent). Of the $80 billion for small business contracts, $12 billion was actually awarded to large businesses, not small businesses.

For the past six years, the federal government has failed to meet its 23 percent small business contracting goal. The bill before the House today would create a fair and open federal contracting system, that would ensure all small businesses have an equal opportunity to secure government contracts. This bill would increase the government-wide goal for small-business participation in federal contracts, limit the ability of federal agencies to bundle small projects into large contracts, and require the Small Business Administration to take steps to reduce erroneous entries in the government's contractor registry. The Small Businesses Fairness in Contracting Act would require no less than 25 percent, an increase from 23 percent, of all contracts be awarded to small-business in a fiscal year. It would also increase the government-wide goal for procurement for small disadvantaged and women-owned businesses to 8 percent from 5 percent.

This bill is a vital step for America's 26 million small businesses, including Connecticut's 341,000 small businesses. It is an investment in our nation's small businesses. For every $1 invested, small businesses will contribute $7 to the economy. I call upon my colleagues to join me in supporting a bill that supports a vital national interest—America's small businesses and economy.

Ms. VELÁZQUEZ. Mr. Chairman, I yield back the balance of our time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Oversight and Government Reform, printed in the bill, is considered as an original bill for the purpose of amendment and is considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 1873

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 ''Small Business Fairness in Contracting Act''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Regulations.

TITLE I—CONTRACT BUNDLING

Sec. 101. Definitions of bundling of contract requirements and related terms.
Sec. 102. Justification.
Sec. 103. Appeals.
Sec. 104. Third-party review.

TITLE II—INCREASING THE NUMBER OF SMALL BUSINESS CONTRACTS AND SUBCONTRACTS

Sec. 201. Small business goal.
Sec. 202. Include overseas contracts in small business goal.
Sec. 203. Annual goal negotiation.
Sec. 204. Goal reasonableness.
Sec. 205. Usage of small companies in goal achievement.
Sec. 206. Annual plan for each agency explaining how agency will meet small business goals.
Sec. 207. Making small businesses the first choice.
Sec. 208. Uniform metric for subcontracting achievements.
Sec. 209. Subcontracting database.
Sec. 210. National database.
Sec. 211. Review of subcontracting plans.
Sec. 212. Agency obligation for fulfilling contracting goals.

TITLE III—PROTECTION OF TAXPAYERS FROM FRAUD

Sec. 301. Small business size protest notification.
Sec. 302. Review of national registry.
Sec. 303. Recertification of compliance with size standards and registration with Central Contractor Registry.

TITLE IV—AUTHORIZATION OF APPROPRIATIONS

Sec. 401. Authorization of appropriations.

SEC. 2. REGULATIONS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act—

(1) the Administrator of the Small Business Administration shall promulgate regulations to implement this Act and the amendments made by this Act; and

(2) the Federal Acquisition Regulation shall be revised to implement this Act and the amendments made by this Act.

(b) NOTICE AND COMMENT.—The regulations required by subsection (a) shall be promulgated after opportunity for notice and comment as required by section 553(b) of title 5, United States Code.

TITLE I—CONTRACT BUNDLING

SEC. 101. DEFINITIONS OF BUNDLING OF CONTRACT REQUIREMENTS AND RELATED TERMS.

Section 3 of the Small Business Act (15 U.S.C. 632) is amended by amending subsection (o) to read as follows:

''(o) DEFINITIONS OF BUNDLING OF CONTRACT REQUIREMENTS AND RELATED TERMS.—For purposes of this Act:

''(1) BUNDLED CONTRACT.—

''(A) IN GENERAL.—The term 'bundled contract' means a contract or order that is entered into to meet procurement requirements that are consolidated in a bundling of contract requirements, without regard to its designation by the procuring agency or whether a study of the effects of the solicitation on civilian or military personnel has been made.

''(B) EXCEPTIONS.—The term does not include—

''(i) a contract or order with an aggregate dollar value below the dollar threshold specified in paragraph (4); or

''(ii) a contract or order that is entered into to meet procurement requirements, all of which are exempted requirements under paragraph (5).

''(2) BUNDLING OF CONTRACT REQUIREMENTS.—

''(A) IN GENERAL.—The term 'bundling of contract requirements' means the use of any bundling methodology to satisfy 2 or more procurement requirements for new or existing goods or services, including any construction services, that is likely to be unsuitable for award to a small business concern due to—

''(i) the diversity, size, or specialized nature of the elements of the performance specified;

''(ii) the aggregate dollar value of the anticipated award;

''(iii) the geographical dispersion of the contract or order performance sites; or

''(iv) any combination of the factors described in clauses (i), (ii), and (iii).

''(B) EXCEPTIONS.—The term does not include—

''(i) the use of a bundling methodology for an anticipated award with an aggregate dollar value below the dollar threshold specified in paragraph (4); or

''(ii) the use of a bundling methodology to meet procurement requirements, all of which are exempted requirements under paragraph (5).

''(3) BUNDLING METHODOLOGY.—The term 'bundling methodology' means—

''(A) a solicitation to obtain offers for a single contract or order, or a multiple award contract or order;

''(B) a solicitation of offers for the issuance of a task or a delivery order under an existing single or multiple award contract or order; or

''(C) the creation of any new procurement requirement that permits a consolidation of contract or order requirements.

''(4) DOLLAR THRESHOLD.—The term 'dollar threshold' means—

''(A) $65,000,000, if solely for construction services; and

''(B) $1,500,000, in all other cases.

''(5) EXEMPTED REQUIREMENTS.—The term 'exempted requirement' means one or more of the following:

''(A) A procurement requirement solely for items that are not commercial items (as the term 'commercial item' is defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12))).

''(B) A procurement requirement with respect to which a determination that it is unsuitable for award to a small business concern has previously been made by the agency. However, the Administrator shall have authority to review and reverse such a determination for purposes of this paragraph and, if the Administrator does reverse that determination, the term 'exempted requirement' shall not apply to that procurement requirement.

''(6) PROCUREMENT REQUIREMENT.—The term 'procurement requirement' means a determination by an agency that a specified good or service is needed to satisfy the mission of the agency.''.

SEC. 102. JUSTIFICATION.

Section 15(a) of the Small Business Act (15 U.S.C. 644(a)) is amended—

(1) by striking ''is in a quantity or estimated dollar value the magnitude of which renders small business prime contract participation unlikely'' and inserting ''would now be combined with other requirements for goods and services'';

(2) by striking ''(2) why delivery schedules'' and inserting ''(2) the names, addresses and size

of the incumbent contract holders; (3) a description of the industries that might be interested in bidding on the contract requirements; (4) the number of small businesses listed in the industry categories that could be excluded from future bidding if the contract is combined or packaged; (5) why delivery schedules'';

(3) by striking ''(3) why the proposed acquisition'' and inserting ''(6) why the proposed acquisition'';

(4) by striking ''(4) why construction'' and inserting ''(7) why construction'';

(5) by striking ''(5) why the agency'' and inserting ''(8) why the agency'';

(6) by striking ''justified.'' and inserting ''justified. The statement shall also set forth the proposed procurement strategy required by subsection (e) and, if applicable, the specifications required by subsection (e)(3). Concurrently, the statement shall be made available to the public, including through dissemination in the Federal contracting opportunities database.''; and

(7) by inserting after ''prime contracting opportunities.'' the following: ''If no notification of the procurement and accompanying statement is received, but the Administrator determines that there is cause to believe the contract combines requirements or a contract (single or multiple award) or task or delivery order for construction services or includes unjustified bundling, then the Administrator can demand that such a statement of work goods or services be completed by the procurement activity and sent to the Procurement Center Representative and the solicitation process postponed for at least 10 days to allow the Administrator to review the statement and make recommendations as described in this section before the procurement is continued.''.

SEC. 103. APPEALS.

Section 15(a) of the Small Business Act (15 U.S.C. 644(a)) is amended—

(1) by striking ''If a proposed procurement includes in its statement'' and inserting ''If a proposed procurement would negatively affect one or more small business concerns, or if a proposed procurement includes in its statement''; and

(2) by inserting before ''Whenever the Administration and the contracting procurement agency fail to agree,'' the following: ''If a small business concern would be adversely affected, directly or indirectly, by the procurement as proposed, and that small business concern or a trade association on behalf of that small business concern so requests, the Administrator may, in the Administrator's discretion, take action to further the interests of that small business concern.''.

SEC. 104. THIRD-PARTY REVIEW.

Section 15(a) of the Small Business Act (15 U.S.C. 644(a)) is amended by striking the sentence beginning ''Whenever the Administration and the contracting procurement agency fail to agree,'' and inserting the following: ''Whenever the Administrator and the contracting procurement agency fail to agree, the Administrator shall submit the matter to the Administrator of the Office of Federal Procurement Policy within the Office of Management and Budget, who shall render his decision regarding the matter not later than 10 days after receiving the matter.''.

TITLE II—INCREASING THE NUMBER OF SMALL BUSINESS CONTRACTS AND SUBCONTRACTS

SEC. 201. SMALL BUSINESS GOAL.

Section 15(g)(1) of the Small Business Act (15 U.S.C. 644(g)(1)) is amended by striking ''23 percent'' and inserting ''30 percent''.

SEC. 202. INCLUDE OVERSEAS CONTRACTS IN SMALL BUSINESS GOAL.

Section 15(g) of the Small Business Act (15 U.S.C. 644(g)) is amended by adding at the end the following:

''(3) The procurement goals required by this subsection apply to all procurement contracts, without regard to whether the contract is for work within or outside the United States.''.

SEC. 203. ANNUAL GOAL NEGOTIATION.

Section 15(g)(1) of the Small Business Act (15 U.S.C. 644(g)(1)) is amended by striking ''The President shall annually establish Government-wide goals for procurement contracts'' and inserting ''The President shall before the close of each fiscal year establish new Government-wide procurement goals for the following fiscal year for procurement contracts''.

SEC. 204. GOAL REASONABLENESS.

Section 15(g)(1) of the Small Business Act (15 U.S.C. 644(g)(1)) is amended by striking ''Notwithstanding the Government-wide goal, each agency shall have an annual goal'' and inserting ''Each agency shall have an annual goal, not lower than the Government-wide goal,''.

SEC. 205. USAGE OF SMALL COMPANIES IN GOAL ACHIEVEMENT.

Section 15(g) of the Small Business Act (15 U.S.C. 644(g)) is amended by adding at the end the following:

''(4) For purposes of this subsection and subsection (h), a small business concern shall be counted toward one additional category goal only, even if that small business concern otherwise qualifies under more than one category goal. In this paragraph, the term 'category goal' means a goal described in paragraph (2).''.

SEC. 206. ANNUAL PLAN FOR EACH AGENCY EXPLAINING HOW AGENCY WILL MEET SMALL BUSINESS GOALS.

Section 15(g) of the Small Business Act (15 U.S.C. 644(g)) is amended by adding at the end the following:

''(5) Before the beginning of each fiscal year, the head of each Federal agency shall submit to the Administrator of the Small Business Administration and to Congress a detailed plan explaining how the agency intends to meet the small business goals under this subsection that apply to that agency for that fiscal year.''.

SEC. 207. MAKING SMALL BUSINESSES THE FIRST CHOICE.

Section 15(j) of the Small Business Act (15 U.S.C. 644(j)) is amended—

(1) in paragraph (1)—

(A) by inserting ''or order'' after ''Each contract''; and

(B) by striking ''$100,000'' and insert ''the Simplified Acquisition Threshold''; and

(2) in paragraph (3), by striking ''subsection (a) of section 8'' and inserting ''section 8, 31, or 36''.

SEC. 208. UNIFORM METRIC FOR SUBCONTRACTING ACHIEVEMENTS.

Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended by adding at the end the following:.

''(12) In carrying out this subsection, the Administrator shall require each prime contractor to report small business subcontract usage at all tiers based on the percentage of the total dollar amount of the contract award.''.

SEC. 209. SUBCONTRACTING DATABASE.

Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended by adding at the end the following:

''(13) In carrying out this subsection, the Administrator shall develop and maintain a password-protected database that will enable the Administration to assist small businesses in marketing to large corporations that have not achieved their small business goals.''.

SEC. 210. NATIONAL DATABASE.

The Administrator of the Small Business Administration shall ensure that whenever a small business enters its information in the Central Contractor Registry, or any successor to that registry, the Administrator contacts that business within 30 days regarding the likelihood of Federal contracting opportunities. The Administrator shall ensure that each small business that so registers is, for each industry code entered by that small business, provided with the total dollar value of government contract awards to small businesses for that industry.

SEC. 211. REVIEW OF SUBCONTRACTING PLANS.

Not later than 120 days after the date of the enactment of this section, the Administrator of the Small Business Administration shall, after an opportunity for notice and comment, prescribe regulations to govern the Administrator's review of subcontracting plans, including standards for determining good faith effort in compliance with the subcontracting plans.

SEC. 212. AGENCY OBLIGATION FOR FULFILLING CONTRACTING GOALS.

Section 15(h) of the Small Business Act (15 U.S.C. 644(h)) is amended by adding at the end the following:

''(4) At the conclusion of each fiscal year, the head of each Federal agency shall submit to Congress a report specifying the percentage of contracts awarded by that agency for that fiscal year that were awarded to small business concerns. If the percentage is less than 30 percent, the head of the agency shall, in the report, explain why the percentage is less than 30 percent and what will be done to ensure that the percentage for the following fiscal year will not be less than 30 percent.''.

TITLE III—PROTECTION OF TAXPAYERS FROM FRAUD

SEC. 301. SMALL BUSINESS SIZE PROTEST NOTIFICATION.

(a) IN GENERAL.—The Administrator of the Small Business Administration shall work with appropriate Federal agencies to ensure that whenever a business concern is awarded a contract on the basis that it qualifies as small and then is determined not to qualify as small, a notification of those facts (that an award was made on such a basis, and that such a determination was made) shall be placed adjacent to that concern's listing in the Central Contractor Registry (or any successor to that registry).

(b) COMPTROLLER GENERAL CERTIFICATION.—The Administrator shall, in making any report of small business goal accomplishments, qualify the accomplishments as ''estimated'', until the Administrator obtains from the Comptroller General the Comptroller General's certification that there are no data integrity issues with respect to the national repository of contract award information known as Federal Procurement Data System-Next Generation (FPDS–NG), or any successor to that repository.

(c) AWARDS TO LARGE BUSINESSES.—For each Federal agency, the Inspector General of that agency shall, on an annual basis, submit to Congress a report on the number and dollar value of contract awards that were coded as awards to small business concerns but in fact were made to businesses that did not qualify as small business concerns.

SEC. 302. REVIEW OF NATIONAL REGISTRY.

The Administrator of the Small Business Administration shall ensure, on a biannual basis, that an independent audit is performed of the Central Contractor Registry, or any successor to that registry, and that the Dynamic Small Business Search portion of the registry, or any successor to that portion of the registry, is purged of any businesses that are not in fact small businesses. If a business that has been so purged attempts, while not in fact a small business, to reregister, that business is subject to debarment as a Federal contractor and is further subject to penalties outlined in section 16 of the Small Business Act (15 U.S.C. 645).

SEC. 303. RECERTIFICATION OF COMPLIANCE WITH SIZE STANDARDS AND REGISTRATION WITH CENTRAL CONTRACTOR REGISTRY.

Section 3(a) of the Small Business Act (15 U.S.C. 632(a)) is amended by adding at the end the following:

''(5) RECERTIFICATION.—

''(A) IN GENERAL.—If a business concern is awarded a contract because of a standard by which it is determined to be a small business

concern, and the business concern is close to exceeding that standard at the time the award is made, then the business concern must, annually after the date of the award, recertify to the agency awarding the contract whether it meets that standard.

''(B) 'CLOSE TO EXCEEDING'.—For purposes of subparagraph (A), a business concern is close to exceeding—

''(i) a number-of-employees standard if the number of employees of the business concern is 95 percent or more of the maximum number of employees allowed under the standard; and

''(ii) a dollar-volume-of-business standard if the dollar volume of business is 80 percent or more of the maximum dollar volume allowed under the standard.

''(6) REGISTRY.—For a business concern to be awarded a contract because of a standard by which it is determined to be a small business concern, the business concern must, annually after the end of the fiscal year used by the business concern, update its listing in the Central Contractor Registry.''.

TITLE IV—AUTHORIZATION OF APPROPRIATIONS

SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act and the amendments made by this Act.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Small Business Fairness in Contracting Act''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Regulations.

TITLE I—CONTRACT BUNDLING

Sec. 101. Definitions of bundling of contract requirements and related terms.
Sec. 102. Justification.
Sec. 103. Appeals.
Sec. 104. Review.

TITLE II—INCREASING THE NUMBER OF SMALL BUSINESS CONTRACTS AND SUBCONTRACTS

Sec. 201. Small business goal.
Sec. 202. Annual goal negotiation.
Sec. 203. Usage of small companies in goal achievement.
Sec. 204. Annual plan for each agency explaining how agency will meet small business goals.
Sec. 205. Making small businesses the first choice.
Sec. 206. Uniform metric for subcontracting achievements.
Sec. 207. Subcontracting database.
Sec. 208. National database.
Sec. 209. Review of subcontracting plans.
Sec. 210. Agency obligation for fulfilling contracting goals.
Sec. 211. Appropriate limits on value of sole source contracts.

TITLE III—PROTECTION OF TAXPAYERS FROM FRAUD

Sec. 301. Small business size protest notification.
Sec. 302. Review of national registry.
Sec. 303. Recertification of compliance with size standards and registration with Central Contractor Registry.

TITLE IV—AUTHORIZATION OF APPROPRIATIONS

Sec. 401. Authorization of appropriations.

SEC. 2. REGULATIONS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act—

(1) the Administrator of the Small Business Administration shall promulgate regulations to implement this Act and the amendments made by this Act; and

(2) the Federal Acquisition Regulation shall be revised to implement this Act and the amendments made by this Act.

(b) NOTICE AND COMMENT.—The regulations required by subsection (a) shall be promulgated after opportunity for notice and comment as required by section 553(b) of title 5, United States Code.

TITLE I—CONTRACT BUNDLING

SEC. 101. DEFINITIONS OF BUNDLING OF CONTRACT REQUIREMENTS AND RELATED TERMS.

Section 3 of the Small Business Act (15 U.S.C. 632) is amended by amending subsection (o) to read as follows:

''(o) DEFINITIONS OF BUNDLING OF CONTRACT REQUIREMENTS AND RELATED TERMS.—For purposes of this Act:

''(1) BUNDLED CONTRACT.—

''(A) IN GENERAL.—The term 'bundled contract' means a contract or order that is entered into to meet procurement requirements that are consolidated in a bundling of contract requirements, without regard to its designation by the procuring agency or whether a study of the effects of the solicitation on civilian or military personnel has been made.

''(B) EXCEPTIONS.—The term does not include—

''(i) a contract or order with an aggregate dollar value below the dollar threshold specified in paragraph (4); or

''(ii) a contract or order that is entered into to meet procurement requirements, all of which are exempted requirements under paragraph (5).

''(2) BUNDLING OF CONTRACT REQUIREMENTS.—

''(A) IN GENERAL.—The term 'bundling of contract requirements' means the use of any bundling methodology to satisfy 2 or more procurement requirements for goods or services, including any construction services, previously supplied or performed under separate smaller contracts or orders that is likely to be unsuitable for award to a small business concern due to—

''(i) the diversity, size, or specialized nature of the elements of the performance specified;

''(ii) the aggregate dollar value of the anticipated award;

''(iii) the geographical dispersion of the contract or order performance sites; or

''(iv) any combination of the factors described in clauses (i), (ii), and (iii).

''(B) INCLUSION OF NEW FEATURES OR FUNCTIONS.—A combination of contract requirements that would meet the definition of a bundling of contract requirements but for the addition of a procurement requirement with at least one new good or service shall be considered to be a bundling of contract requirements unless the new features or functions substantially transform the goods or services previously performed.

''(C) EXCEPTIONS.—The term does not include—

''(i) the use of a bundling methodology for an anticipated award with an aggregate dollar value below the dollar threshold specified in paragraph (5); or

''(ii) the use of a bundling methodology to meet procurement requirements, all of which are exempted requirements under paragraph (6).

''(3) BUNDLING METHODOLOGY.—The term 'bundling methodology' means—

''(A) a solicitation to obtain offers for a single contract or order, or a multiple award contract or order; or

''(B) a solicitation of offers for the issuance of a task or a delivery order under an existing single or multiple award contract or order.

''(4) SEPARATE SMALLER CONTRACT.—The term 'separate smaller contract', with respect to bundling of contract requirements, means a contract or order that has been performed by 1 or more small business concerns or was suitable for award to 1 or more small business concerns.

''(5) DOLLAR THRESHOLD.—The term 'dollar threshold' means—

''(A) $65,000,000, if solely for construction services; and

''(B) $5,000,000, in all other cases.

''(6) EXEMPTED REQUIREMENTS.—The term 'exempted requirement' means a procurement requirement solely for items that are not commercial items (as the term 'commercial item' is defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).

''(7) PROCUREMENT REQUIREMENT.—The term 'procurement requirement' means a determination by an agency that a specified good or service is needed to satisfy the mission of the agency.''.

SEC. 102. JUSTIFICATION.

Section 15(a) of the Small Business Act (15 U.S.C. 644(a)) is amended—

(1) by striking ''(2) why delivery schedules'' and inserting ''(2) the names, addresses and size of the incumbent contract holders; (3) a description of the industries that might be interested in bidding on the contract requirements; (4) the number of small businesses listed in the industry categories that could be excluded from future bidding if the contract is combined or packaged; (5) why delivery schedules'';

(2) by striking ''(3) why the proposed acquisition'' and inserting ''(6) why the proposed acquisition'';

(3) by striking ''(4) why construction'' and inserting ''(7) why construction'';

(4) by striking ''(5) why the agency'' and inserting ''(8) why the agency'';

(5) by striking ''justified.'' and inserting ''justified. The statement shall also set forth the proposed procurement strategy required by subsection (e) and, if applicable, the specifications required by subsection (e)(3). The statement shall be made available to the public, including through dissemination in the Federal contracting opportunities database, concurrently with the issuance of the solicitation.''; and

(6) by inserting after ''prime contracting opportunities.'' the following: ''If no notification of the procurement and accompanying statement is received, but the Administrator determines that there is cause to believe the contract combines requirements or a contract (single or multiple award) or task or delivery order for construction services or includes unjustified bundling, then the Administrator may request that such a statement of work goods or services be completed by the procurement activity and sent to the Procurement Center Representative and the solicitation process postponed for 10 days to allow the Administrator to review the statement and make recommendations as described in this section before the procurement is continued.''.

SEC. 103. APPEALS.

Section 15(a) of the Small Business Act (15 U.S.C. 644(a)) is amended by inserting before ''Whenever the Administration and the contracting procurement agency fail to agree,'' the following: ''If a small business concern would be adversely affected, directly or indirectly, by the procurement as proposed, and that small business concern or a trade association on behalf of that small business concern so requests, the Administrator may, in the Administrator's discretion, take action to further the interests of that small business concern.''.

SEC. 104. REVIEW.

Section 15(a) of the Small Business Act (15 U.S.C. 644(a)) is amended by striking the sentence beginning ''Whenever the Administration and the contracting procurement agency fail to agree,'' and inserting the following: ''Whenever the Administration and the contracting procurement agency fail to agree, the Administrator shall submit the matter to the head of the agency for a determination. The head of the agency shall provide a written response to the Administrator. A copy of such response shall also be provided to the Committees on Small Business of the House of Representatives and Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate.''.

TITLE II—INCREASING THE NUMBER OF SMALL BUSINESS CONTRACTS AND SUBCONTRACTS

SEC. 201. SMALL BUSINESS GOAL.

(a) GOVERNMENT-WIDE GOAL.—Section 15(g)(1) of the Small Business Act (15 U.S.C. 644(g)(1)) is amended by striking ''23 percent'' and inserting ''25 percent''.

(b) GOALS FOR SMALL DISADVANTAGED BUSINESSES AND WOMEN-OWNED BUSINESSES.—Section 15(g)(1) of such Act is further amended by striking ''5 percent'' both places it appears and inserting ''8 percent''.

SEC. 202. ANNUAL GOAL NEGOTIATION.

Section 15(g)(1) of the Small Business Act (15 U.S.C. 644(g)(1)) is amended by striking ''The President shall annually establish Government-wide goals for procurement contracts'' and inserting ''The President shall before the close of each fiscal year establish new Government-wide procurement goals for the following fiscal year for procurement contracts''.

SEC. 203. USAGE OF SMALL COMPANIES IN GOAL ACHIEVEMENT.

Section 15(g) of the Small Business Act (15 U.S.C. 644(g)) is amended by adding at the end the following:

''(4) For purposes of this subsection and subsection (h), a small business concern shall be counted toward one additional category goal only, even if that small business concern otherwise qualifies under more than one category goal. In this paragraph, the term 'category goal' means a goal described in paragraph (2).''.

SEC. 204. ANNUAL PLAN FOR EACH AGENCY EXPLAINING HOW AGENCY WILL MEET SMALL BUSINESS GOALS.

Section 15(g) of the Small Business Act (15 U.S.C. 644(g)) is amended by adding at the end the following:

''(5) Before the beginning of each fiscal year, the head of each Federal agency shall submit to the Administrator of the Small Business Administration and to Congress a detailed plan explaining how the agency intends to meet the small business goals under this subsection that apply to that agency for that fiscal year.''.

SEC. 205. MAKING SMALL BUSINESSES THE FIRST CHOICE.

Section 15(j) of the Small Business Act (15 U.S.C. 644(j)) is amended—

(1) in paragraph (1), by striking ''$100,000'' and inserting ''the Simplified Acquisition Threshold''; and

(2) in paragraph (3), by striking ''subsection (a) of section 8'' and inserting ''section 8, 31, or 36''.

SEC. 206. UNIFORM METRIC FOR SUBCONTRACTING ACHIEVEMENTS.

Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended by adding at the end the following:

''(12) In carrying out this subsection, the Administrator shall require each prime contractor to report small business subcontract usage at all tiers based on the percentage of the total dollar amount of the contract award.''.

SEC. 207. SUBCONTRACTING DATABASE.

Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended by adding at the end the following:

''(13) In carrying out this subsection, the Administrator shall develop and maintain a password-protected database that will enable the Administration to assist small businesses in marketing to large corporations that have not achieved their small business goals.''.

SEC. 208. NATIONAL DATABASE.

The Administrator of the Small Business Administration shall ensure that whenever a small business enters its information in the Central Contractor Registry, or any successor to that registry, the Administrator contacts that business within 30 days regarding the likelihood of Federal contracting opportunities. The Administrator shall ensure that each small business that so registers is, for each industry code entered by that small business, provided with the total dollar value of government contract awards to small businesses for that industry.

SEC. 209. REVIEW OF SUBCONTRACTING PLANS.

Not later than 120 days after the date of the enactment of this section, the Administrator of the Small Business Administration shall, after an opportunity for notice and comment, prescribe regulations to govern the Administrator's review of subcontracting plans, including standards for determining good faith effort in compliance with the subcontracting plans.

SEC. 210. AGENCY OBLIGATION FOR FULFILLING CONTRACTING GOALS.

Section 15(h) of the Small Business Act (15 U.S.C. 644(h)) is amended by adding at the end the following:

''(4) At the conclusion of each fiscal year, the head of each Federal agency shall submit to Congress a report specifying the percentage of contracts awarded by that agency for that fiscal year that were awarded to small business concerns. If the percentage is less than 25 percent, the head of the agency shall, in the report, explain why the percentage is less than 25 percent and what will be done to ensure that the percentage for the following fiscal year will not be less than 25 percent.''.

SEC. 211. APPROPRIATE LIMITS ON VALUE OF SOLE SOURCE CONTRACTS.

(a) APPROPRIATE LIMITS.—If a law is not enacted by December 31, 2007, revising the limits referred to in this subsection, the Administrator for Federal Procurement Policy, in consultation with the Administrator for Small Business, shall establish appropriate limits on the value of contracts awarded without the use of competitive procedures to participants in the program established by section 8(a) of the Small Business Act (15 USC 637(a)) that are not subject to the limits on the value of such contracts established by paragraph (1)(D) of section 8(a) of such Act.

(b) CONSULTATION.—In establishing any limit described in subsection (a). the Administrator for Federal Procurement Policy shall consult with representatives of the affected program participants. The Administrator shall also take into account—

(1) any special circumstances and needs of the affected program participants; and

(2) the advantages of promoting competition in Federal contracting.

TITLE III—PROTECTION OF TAXPAYERS FROM FRAUD

SEC. 301. SMALL BUSINESS SIZE PROTEST NOTIFICATION.

(a) IN GENERAL.—The Administrator of the Small Business Administration shall work with appropriate Federal agencies to ensure that whenever a business concern is awarded a contract on the basis that it qualifies as small and then is determined not to qualify as small, a notification of those facts (that an award was made on such a basis, and that such a determination was made) shall be placed adjacent to that concern's listing in the Central Contractor Registry (or any successor to that registry).

(b) COMPTROLLER GENERAL CERTIFICATION.—The Administrator shall, in making any report of small business goal accomplishments, qualify the accomplishments as ''estimated'', until the Administrator obtains from the Comptroller General the Comptroller General's certification that there are no data integrity issues with respect to the national repository of contract award information known as Federal Procurement Data System-Next Generation (FPDS–NG), or any successor to that repository.

(c) AWARDS TO LARGE BUSINESSES.—For each Federal agency, the Inspector General of that agency shall, on an annual basis, submit to Congress a report on the number and dollar value of contract awards that were coded as awards to small business concerns but in fact were made to businesses that did not qualify as small business concerns.

SEC. 302. REVIEW OF NATIONAL REGISTRY.

The Administrator of the Small Business Administration shall ensure, on a biannual basis, that an independent audit is performed of the Central Contractor Registry, or any successor to that registry, and that the Dynamic Small Business Search portion of the registry, or any successor to that portion of the registry, is purged of any businesses that are not in fact small businesses. If a business that has been so purged attempts, while not in fact a small business, to re-register, that business is subject to debarment as a Federal contractor and is further subject to penalties outlined in section 16 of the Small Business Act (15 U.S.C. 645).

SEC. 303. RECERTIFICATION OF COMPLIANCE WITH SIZE STANDARDS AND REGISTRATION WITH CENTRAL CONTRACTOR REGISTRY.

Section 3(a) of the Small Business Act (15 U.S.C. 632(a)) is amended by adding at the end the following:

''(5) RECERTIFICATION.—

''(A) IN GENERAL.—If a business concern is awarded a contract because of a standard by which it is determined to be a small business concern, and the business concern is close to exceeding that standard at the time the award is made, then the business concern must, annually after the date of the award, recertify to the agency awarding the contract whether it meets that standard.

''(B) 'CLOSE TO EXCEEDING'.—For purposes of subparagraph (A), a business concern is close to exceeding—

''(i) a number-of-employees standard if the number of employees of the business concern is 95 percent or more of the maximum number of employees allowed under the standard; and

''(ii) a dollar-volume-of-business standard if the dollar volume of business is 80 percent or more of the maximum dollar volume allowed under the standard.

''(6) REGISTRY.—For a business concern to be awarded a contract because of a standard by which it is determined to be a small business concern, the business concern must, annually after the end of the fiscal year used by the business concern, update its listing in the Central Contractor Registry.''.

TITLE IV—AUTHORIZATION OF APPROPRIATIONS

SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out

this Act and the amendments made by this Act.

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 110–137. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

Pursuant to the order of the House of today, amendment No. 4 may be offered out of order.

AMENDMENT NO. 4 OFFERED BY MR. SESTAK

Mr. SESTAK. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. SESTAK:

Strike section 101 and insert the following:

SEC. 101. DEFINITIONS OF BUNDLING OF CONTRACT REQUIREMENTS AND RELATED TERMS.

Section 3 of the Small Business Act (15 U.S.C. 632) is amended by amending subsection (o) to read as follows:

''(o) DEFINITIONS OF BUNDLING OF CONTRACT REQUIREMENTS AND RELATED TERMS.—For purposes of this Act:

''(1) BUNDLED CONTRACT.—

''(A) IN GENERAL.—The term 'bundled contract' means a contract or order that is entered into to meet procurement requirements that are consolidated in a bundling of contract requirements, without regard to its designation by the procuring agency or whether a study of the effects of the solicitation on civilian or military personnel has been made.

''(B) EXCEPTIONS.—The term does not include—

''(i) a contract or order with an aggregate dollar value below the dollar threshold specified in paragraph (4); or

''(ii) a contract or order that is entered into to meet procurement requirements, all of which are exempted requirements under paragraph (5).

''(2) BUNDLING OF CONTRACT REQUIREMENTS.—

''(A) IN GENERAL.—The term 'bundling of contract requirements' means the use of any bundling methodology to satisfy 2 or more procurement requirements for goods or services previously supplied or performed under separate smaller contracts or orders, or to satisfy 2 or more procurement requirements for construction services of a type historically performed under separate smaller contracts or orders, that is likely to be unsuitable for award to a small business concern due to—

''(i) the diversity, size, or specialized nature of the elements of the performance specified;

''(ii) the aggregate dollar value of the anticipated award;

''(iii) the geographical dispersion of the contract or order performance sites; or

''(iv) any combination of the factors described in clauses (i), (ii), and (iii).

''(B) INCLUSION OF NEW FEATURES OR FUNCTIONS.—A combination of contract requirements that would meet the definition of a bundling of contract requirements but for the addition of a procurement requirement with at least one new good or service shall be considered to be a bundling of contract requirements unless the new features or functions substantially transform the goods or services and for which measurably substantial benefits to the government in terms of quality or price are identified.

''(C) EXCEPTIONS.—The term does not include—

''(i) the use of a bundling methodology for an anticipated award with an aggregate dollar value below the dollar threshold specified in paragraph (5); or

''(ii) the use of a bundling methodology to meet procurement requirements, all of which are exempted requirements under paragraph (6).

''(3) BUNDLING METHODOLOGY.—The term 'bundling methodology' means—

''(A) a solicitation to obtain offers for a single contract or order, or a multiple award contract or order; or

''(B) a solicitation of offers for the issuance of a task or a delivery order under an existing single or multiple award contract or order.

''(4) SEPARATE SMALLER CONTRACT.—The term 'separate smaller contract', with respect to bundling of contract requirements, means a contract or order that has been performed by 1 or more small business concerns or was suitable for award to 1 or more small business concerns.

''(5) DOLLAR THRESHOLD.—The term 'dollar threshold' means $65,000,000, if solely for construction services.

''(6) EXEMPTED REQUIREMENTS.—The term 'exempted requirement' means a procurement requirement solely for items that are not commercial items (as the term 'commercial item' is defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).

''(7) PROCUREMENT REQUIREMENT.—The term 'procurement requirement' means a determination by an agency that a specified good or service is needed to satisfy the mission of the agency.''.

MODIFICATION TO AMENDMENT NO. 4 OFFERED BY MR. SESTAK

Mr. SESTAK. Mr. Chairman, I ask unanimous consent that the amendment be modified by the form I have placed at the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 4 offered by Mr. SESTAK:

Strike section 101 and insert the following:

SEC. 101. DEFINITIONS OF BUNDLING OF CONTRACT REQUIREMENTS AND RELATED TERMS.

Section 3 of the Small Business Act (15 U.S.C. 632) is amended by amending subsection (o) to read as follows:

''(o) DEFINITIONS OF BUNDLING OF CONTRACT REQUIREMENTS AND RELATED TERMS.—For purposes of this Act:

''(1) BUNDLED CONTRACT.—

''(A) IN GENERAL.—The term 'bundled contract' means a contract or order that is entered into to meet procurement requirements that are consolidated in a bundling of contract requirements, without regard to its designation by the procuring agency or whether a study of the effects of the solicitation on civilian or military personnel has been made.

''(B) EXCEPTIONS.—The term does not include—

''(i) a contract or order with an aggregate dollar value below the dollar threshold specified in paragraph (4); or

''(ii) a contract or order that is entered into to meet procurement requirements, all of which are exempted requirements under paragraph (5).

''(2) BUNDLING OF CONTRACT REQUIREMENTS.—

''(A) IN GENERAL.—The term 'bundling of contract requirements' means the use of any bundling methodology to satisfy 2 or more procurement requirements for goods or services previously supplied or performed under separate smaller contracts or orders, or to satisfy 2 or more procurement requirements for construction services of a type historically performed under separate smaller contracts or orders, that is likely to be unsuitable for award to a small business concern due to—

''(i) the diversity, size, or specialized nature of the elements of the performance specified;

''(ii) the aggregate dollar value of the anticipated award;

''(iii) the geographical dispersion of the contract or order performance sites; or

''(iv) any combination of the factors described in clauses (i), (ii), and (iii).

''(B) INCLUSION OF NEW FEATURES OR FUNCTIONS.—A combination of contract requirements that would meet the definition of a bundling of contract requirements but for the addition of a procurement requirement with at least one new good or service shall be considered to be a bundling of contract requirements unless the new features or functions substantially transform the goods or services and will provide measurably substantial benefits to the government in terms of quality, performance, or price.

''(C) EXCEPTIONS.—The term does not include—

''(i) the use of a bundling methodology for an anticipated award with an aggregate dollar value below the dollar threshold specified in paragraph (5); or

''(ii) the use of a bundling methodology to meet procurement requirements, all of which are exempted requirements under paragraph (6).

''(3) BUNDLING METHODOLOGY.—The term 'bundling methodology' means—

''(A) a solicitation to obtain offers for a single contract or order, or a multiple award contract or order; or

''(B) a solicitation of offers for the issuance of a task or a delivery order under an existing single or multiple award contract or order.

''(4) SEPARATE SMALLER CONTRACT.—The term 'separate smaller contract', with respect to bundling of contract requirements, means a contract or order that has been performed by 1 or more small business concerns or was suitable for award to 1 or more small business concerns.

''(5) DOLLAR THRESHOLD.—The term 'dollar threshold' means $65,000,000, if solely for construction services.

''(6) EXEMPTED REQUIREMENTS.—The term 'exempted requirement' means a procurement requirement solely for items that are not commercial items (as the term 'commercial item' is defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).

''(7) PROCUREMENT REQUIREMENT.—The term 'procurement requirement' means a determination by an agency that a specified good or service is needed to satisfy the mission of the agency.''.

Mr. SESTAK (during the reading). Mr. Chairman, I ask unanimous consent that the modification be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. Without objection, the amendment is modified.

There was no objection.

The CHAIRMAN. Pursuant to House Resolution 383, the gentleman from Pennsylvania (Mr. SESTAK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. SESTAK. Mr. Chairman, I yield myself such time as I may consume.

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

Mr. SESTAK. Mr. Chairman, I rise to speak in support of this amendment to increase the number of Federal contracts granted to small businesses by addressing a practice known as contract bundling, which has allowed Federal agencies to award mega-contracts, contracts so large they cannot possibly be performed by a small business. This amendment will ensure that more large contracts will be reviewed as to their appropriateness to be bundled and potentially broken into smaller pieces more suitable for small business.

The goal: enhancing taxpayer savings by a more efficient and effective use of our resources by helping the Federal Government meet its statutory goal of small business contracts, which it presently does not.

Presently, the bill's current definition would prevent too many large contracts to be exempted from a bundling analysis as to their appropriateness for access to small business. This amendment will help reduce these exemptions by eliminating the monetary threshold for nonconstruction Federal contracts to be reviewed. Additionally, bundled contracts that ''substantially transform a good or service,'' referring to contracts that use a new, innovative contract process, are currently exempted from bundling analysis.

This amendment would mandate that in such cases measurable, substantial benefits must be demonstrated to the government in terms of quality, performance or price. If that cannot be shown, a bundling analysis must be completed.

This amendment, by also explicitly requiring that a bundling analysis be performed for new work and construction contracts, as opposed to just previously performed work, will also close the loophole that has been used by agencies to avoid unbundling contracts.

Let me give you an example of why addressing contract bundling is important to not just small businesses but also to efficient and effective use of our Nation's resources, particularly in new or transformational requirements that our Federal agencies increasingly contract for.

Gestalt, a small business located in my district, recently competed in an Army contract, which they competed for against a very large defense corporation, to fix the Defense Readiness Reporting System.

Right now, we have in the military a fairly arcane system, where obtaining detailed, up-to-date, instantaneous information on the readiness of our military and its units is challenging at best. What was required was a much more dynamic system that could present in real-time the readiness of our forces, in this case, the 5,000-plus Army units we have, which can greatly impact a commander's decision in what has become a fast-paced, battle space environment where speed of decision is so highly valued.

The large defense corporation said it would take 3 years to complete the project, while the smaller firm then did it in only 7 months. From my time as a vice admiral responsible for executing the Navy's annual $67 billion worth of warfare requirements and programs, I know there is a tendency, because of ease of execution, to want to go to a large corporation and have them subcontract their bundled program to other vendors.

The result, unfortunately, is particularly worrisome at a moment when we need to transform not just our military but many of our other federally funded efforts. The speed and agility that more entrepreneurial small businesses often can provide in a fast-paced, globalized and continuously changing world are key to rapidly meeting new, evolving requirements of our Nation, particularly in such transformational areas as software and information technology.

It is, therefore, inefficient and ineffective to our competitive edge to deny entrepreneurial small businesses direct access to the real requirements of the customer, the U.S. government, and it is also harmful to our interests to have large corporations bundle certain contracts so that only derived requirements are available to the subcontractors, these derived requirements having to be interpreted by sub-vendors or be interpreted to them by the large corporation, a middleman, adding complexity, time and misinterpretation, rather than streamlining, to the Federal contracting process.

In short, undue bundling of contracts cost the taxpayers money. More, this inefficiency leads to less effectiveness. By unbundling work requirements, this amendment will create new opportunities for small firms, expanding the government's access to more qualified contractors. Increased competition because of more fair access will lead to lower prices and to the improvement of the quality of goods and services procured by the Federal Government.

I urge all my colleagues to support this critical amendment, not only for the Nation's entrepreneurial small businesses but for a more efficient and effective application of our Nation's resources.

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

Mr. CHABOT. Mr. Chairman, I claim the 5 minutes in opposition to the amendment, although I do not oppose the amendment. I am in favor of it.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. CHABOT. Mr. Chairman, I yield such time as she might consume to the gentlewoman from New York (Ms. VELÁZQUEZ), if she would like to speak at this time.

Ms. VELÁZQUEZ. Mr. Chairman, contract bundling has been a major issue for years, and it is increasing. When contracts are combined together into mega-contracts, small businesses are unable to compete. In fact, some contracts are so large that only a handful of companies would be able to perform them. This can create a virtual monopoly, which is problematic for taxpayers concerned with getting the best value for their money.

This amendment would save taxpayers money and benefit the economy. It will increase competition, providing the government with more options to purchase goods and services from. This will ultimately lower prices for Federal agencies. Unbundling contracts will create new opportunities for entrepreneurs, leading to new jobs and more local tax revenue.

The amendment closes a loophole in current law. This amendment adds new work and construction, which previously were not subject to bundling analyses. Current law only required contracts that have been previously performed to be reviewed for bundling. This amendment closes this gap and gives Federal agencies the tools it needs to save the taxpayers money.

The expanded bundling definition will not be overly burdensome. Contracts that are not suitable for small businesses will not require a bundling analysis. Bundled construction contracts under $65 million will not require an analysis. By creating more competition in the Federal marketplace, this amendment will save taxpayers money.

Expanding the definition of bundling will require more contracts to be reviewed, and possibly unbundled, than the current statute permits. This will create more opportunities for small firms, give the government more options and lower costs and increase quality for taxpayers.

I thank both the gentleman from Pennsylvania for his work on this issue and Mr. CHABOT for all the work that he has done on the underlying bill and on this amendment.

Mr. CHABOT. Mr. Chairman, I yield myself as much time as I may consume. I will be brief.

The amendment offered by Mr. SESTAK will increase the protections against inappropriate contract bundling. It represents a compromise between the Small Business Committee's version and the Committee on Government Reform's version of H.R. 1873. I believe it represents an adequate resolution of the issue and pledge to work to make the protections in the Sestak amendment even stronger as we work through the legislative process.

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

Mr. SESTAK. Mr. Chairman, I yield back the balance of my time.

Mr. CHABOT. I yield back the balance of our time.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Pennsylvania (Mr. SESTAK).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Ms. VELÁZQUEZ. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Pennsylvania will be postponed.

AMENDMENT NO. 1 OFFERED BY MR. REYES

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–137.

Mr. REYES. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. REYES:

SEC. 209. REVIEW OF SUBCONTRACTING PLANS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the General Services Administration shall, after an opportunity for notice and comment, begin to make modifications, if necessary, to the Electronic Subcontracting Reporting System (ESRS) for the purpose of tracking companies' compliance with small business subcontracting plans included in successful contract bids. ESRS shall be further developed, if necessary, in such a way that it allows agencies to track whether or not the prime contractor actually subcontracted work out to the subcontracting firms described in the Small Business Subcontracting Plan. Further, ESRS shall be modified, if necessary, so that it facilitates review of a company's record of compliance with small business subcontracting plans.

(b) PERIODIC REPORTS.—Prime contractors shall be required to submit Small Business Subcontracting Plans to ESRS and submit subsequent periodic reports to ESRS describing the extent to which the prime contractor complied with small business subcontracting plans submitted as part of the company's successful contract proposal. Each such report shall include a specific accounting of compliance with subcontracting goals described in the prime contractor's Small Business Subcontracting Plans related to Small Disadvantaged Businesses Concerns, Women-Owned Small Business Concerns, Historically Black Colleges and Universities and Minority Institutions, Service-Disabled Veteran-Owned Small Business Concerns, and HUBZone Small Business Concerns. Each such accounting of compliance shall also be included in ESRS.

(c) INCLUSION IN ESRS.—The ''percentage of the total dollar amount of the contract award'' that is paid to small business, as referred to in paragraph (12) of section 8(d) of the Small Business Act (as added by section 206 of this Act) shall also be included in ESRS.

(d) AVAILABILITY OF ESRS.—ESRS and the information therein shall be made available to agency officials and Source Selection Evaluation Boards (as referred to in Federal Acquisition Regulations 3.104-1) that are charged with evaluating contract proposals, and, when evaluating contract proposals, agencies shall take into consideration the compliance with small business subcontracting plans of companies competing for Federal contracts, and within one year after the date of the enactment of this Act such consideration shall be reflected in the Federal Acquisition Regulations.

(e) FURTHER MODIFICATIONS REQUIRED.—ESRS shall be modified in such a way that it can generate comparable reports on individual companies' compliance records to be used in the contract proposal evaluation processes of agencies.

The CHAIRMAN. Pursuant to House Resolution 383, the gentleman from Texas (Mr. REYES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. REYES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment is simple. It uses existing procedures and an existing resource to promote fairness in subcontracting. It makes a great bill, the Small Business Fairness in Contracting Act of 2007, I believe even better. Let me describe the problem as it currently exists.

For large government contracts, applicants are required to submit small business subcontracting plans during the bidding process detailing their intentions to include small businesses in the work. However, too often prime contractors disregard small business subcontracting plans submitted as part of winning government bids.

This is simply, in our eyes, not fair. Small business gets left behind, and prime contractors who keep their word, who are doing the right thing, end up at a competitive disadvantage with the bad actors.

This unfortunate practice has particularly adverse effects on the small businesses that are included in small business subcontracting plans but do not actually receive the contract work. When small businesses are included in the small business plans of prime contractors, the small businesses will often make investments on the front end to prepare themselves to do the subcontract work. If the prime does not ultimately subcontract the work to the small business in question, however, that small business will often find itself overextended. Often, the operating margins of small businesses are very small, and unmet subcontract obligations in small business subcontracting plans can force these small firms out of business.

Prime contractors receive bids based on their commitment to include small business in the contract, in part, and it is only fair that the primes fulfill their end of the deal.

My amendment provides much-needed accountability over small business subcontracting plans by doing two things. One, this amendment takes advantage of an existing online tool, the Electronic Subcontracting Reporting System, and existing procedures for reporting on contracts to accumulate and organize information about prime contractors' compliance records with small business subcontracting plans. ESRS will be developed to prepare easily comparable reports for tracking prime contractors and their compliance through their records.

We are not reinventing the wheel. This is a commonsense, efficient way to allow information to be organized in such a way as to provide the necessary accountability over these small business plans.

Second, this amendment brings fairness to subcontracting by requiring that agencies, even when evaluating subcontract or contract proposals, take into consideration compliance with small business subcontracting plans of companies competing for Federal contracts, and requiring that within 1 year after the date of the enactment such consideration be reflected in the Federal acquisition regulations.

□ 1930

This is simply a matter of making sure that prime contractors are playing by the rules. This is an issue for us and, for small businesses, an issue of fairness. The amendment is fair to small businesses who are included in small business subcontracting plans and who have, in essence, helped prime contractors receive contract awards. The amendment is fair to prime contractors who do play by the rules by making sure that their records of helping small businesses are taken into account.

My amendment has the support of the U.S. Hispanic Chamber of Commerce and the National Black Chamber of Commerce. With that, I urge my colleagues to support it as well.

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

Mr. CHABOT. Mr. Chairman, we accept the amendment. We have no objection.

Ms. VELÁZQUEZ. Mr. Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIRMAN. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, we are prepared to accept this amendment.

One of the areas in which small businesses could participate much more than they currently are is in the area of subcontracting. Subcontracting provides a great entry point to the Federal marketplace for small businesses.

The gentleman's amendment would expand the amount of information collected on subcontracting in the government-wide database. It also reinforces the notion that when prime contractors don't achieve their small business goals these should be reflected in their evaluation for subsequent contracts.

I am pleased to support the gentleman's amendment, and I thank the gentleman from Texas for his work on this legislation.

I ask adoption of this amendment.

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

The CHAIRMAN. The gentleman from Texas has 1 minute remaining.

Mr. REYES. Mr. Chairman, I want to thank the chairwoman for her tireless work on behalf of small business and her support of small business, as well as my good friend, the ranking member. Thank you.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. REYES).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. SHULER

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–137.

Mr. SHULER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. SHULER:

After section 201 insert the following (and redesignate succeeding sections accordingly):

SEC. 202. INCLUDE OVERSEAS CONTRACTS IN SMALL BUSINESS GOAL.

Section 15(g) of the Small Business Act (15 U.S.C. 644(g)) is amended by adding at the end the following:

''(3) The procurement goals required by this subsection apply to all procurement contracts, without regard to whether the contract is for work within or outside the United States.''.

The CHAIRMAN. Pursuant to House Resolution 383, the gentleman from North Carolina (Mr. SHULER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. SHULER. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, American small businesses supply goods and services throughout the world. These businesses have led the way in providing innovative solutions to private and public sector challenges.

When Federal agencies spend taxpayers' funds, they should look to American small businesses first before outsourcing to foreign companies. In this age of high-speed communication and global transportation, American workers can contribute to American projects anywhere on earth.

This amendment does not require Federal agencies to use American small businesses for every project. It simply sets expectations that these agencies look first to American small businesses to meet their needs.

I urge passage of this amendment.

Mr. Chairman, I yield to the cosponsor of this amendment, Mr. CHABOT.

Mr. CHABOT. I want to thank the gentleman for his hard work on this particular amendment. I think it's a good amendment. I would urge its passage.

The amendment expands the pool of contracts included in the Federal governmentwide goal for participation of small business concerns and procurement contracts to include United States small business concern contracts performed overseas. Current law and regulations apply the small business concern Federal governmentwide goal only to contracts performed in the United States.

The bill as currently written would continue to apply the small business concern Federal governmentwide goal to contracts performed only in the United States. This methodology clearly does not address small business concerns involvement in today's global economy. When small business policy was first developed in the 1940 to 1950 timeframe, small business concern participation in the overseas markets was fairly limited.

In today's global economy, adding contracts where United States small business concerns perform overseas work is reasonable because the availability of the Internet and advances in technology allows contracting officers to acquire information on such activities.

Therefore, United States small business concerns global activity should be recognized and, thus, included as a part of the overall Federal governmentwide small business concern goal.

Again, I want to thank the chairwoman and I want to thank Mr. SHULER for their work on this particular amendment.

Mr. SHULER. Mr. Chairman, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIRMAN. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, it is important that the small business goals apply to contracts performed overseas. For too long there has been an exclusive club of contractors for overseas work. This needs to change. Extending the small business goals to apply to these contracts will expand the pool of contractors available to the government. This amendment will help bring overseas opportunity to small businesses.

A recent study of $6 billion in overseas contracts showed only $122 million was awarded to small businesses, just 2 percent. This amendment gives agencies an incentive to award overseas contracts to small businesses. Agencies that do use small businesses for overseas contracts will now be able to get credit.

The Federal Government should be looking to small businesses for overseas work. Ninety-seven percent of all exporters are small businesses; 30 percent of all goods made for export are made by small businesses. Technological improvements give small businesses much greater access to worldwide markets than in the past.

It is important to help small businesses gain access to overseas contracting opportunities they have been locked out of. This amendment will accomplish this by helping encourage agencies to look to American small businesses for this work.

I thank both gentlemen, Mr. SHULER and Mr. CHABOT, for their work on this legislation. I urge adoption of this amendment.

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

Mr. SHULER. Mr. Chairman, I want to commend Ranking Member CHABOT and Chairwoman VELÁZQUEZ for her hard work and dedication on this amendment, along with this bill, an outstanding job.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. SHULER).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Ms. VELÁZQUEZ. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from North Carolina will be postponed.

AMENDMENT NO. 3 OFFERED BY MS. BEAN

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110–137.

Ms. BEAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Ms. BEAN:

Section 201(a), strike ''25 percent'' and insert ''30 percent''.

The CHAIRMAN. Pursuant to House Resolution 383, the gentlewoman from Illinois (Ms. BEAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Illinois.

Ms. BEAN. Mr. Chairman, I rise today to offer an amendment to the Small Business Fairness in Contracting Act. I would like to thank Ranking Member CHABOT for cosponsoring and Chairman VELÁZQUEZ for her support. This amendment would increase the Federal Government's small business contracting goal from 23 to 30 percent.

Small businesses are the stimulative engine to our Nation's economy and drive our domestic job growth. They make up 97 percent of all businesses, provide 50 percent of our gross domestic product and 50 percent of our nonfarm employment. Clearly, small businesses have the capacity to compete for Federal contracts.

The government's small business prime contract goal has not been increased since 1997. Since that time, the Nation has added over 3 million net new small businesses. At the same

time, the Federal marketplace has doubled and now accounts for over $400 billion in goods and services. My amendment reflects that new reality that the number and capabilities of small businesses have grown to such an extent that an adjustment to our national goal is in the best interests of our country.

The increase would also address a discouraging development that, after some early successes in achieving the contracting goal, Federal agencies have become complacent in their efforts to provide opportunities to small business. Over the last 5 years, they have begun to use contract bundling and contract streamlining practices, which reduced opportunities for competition. Without competition, we cannot ensure that taxpayer dollars are being used most effectively.

In addition, Federal agencies have become careless in their reporting of contract awards, leading them to believe they have exceeded small business goals they were, in fact, failing to achieve. As a result, small businesses access to prime contracts have suffered. In 2005, the Federal marketplace rose by 7 percent, but prime small business contracts only rose by 2 percent.

Last year alone, we found that the Federal Government fell about $12 billion below their goal level, even though the SBA originally reported that they had exceeded their goal.

By raising our small business prime contracting goal and increasing competitive bids, we get a greater return on our tax dollars. At the same time, we provide economic stimulus for the small businesses in our communities. I urge your support of this amendment.

I yield to cosponsor CHABOT.

Mr. CHABOT. I thank the gentlewoman for yielding, and I thank her for her leadership on this amendment and her hard work, as well as the chairwoman's.

This is a simple amendment. The amendment increases the Federal government-wide goal for participation of small business concerns in procurement contracts from 23 percent to 30 percent. The bill, as currently written, would increase the Federal government-wide goal from 23 percent to 25 percent, which is only a 2 percent increase, which is really pretty miserable when one considers it. It ought to be, I think, significantly more than that, especially when you consider that the Federal market for goods and services has doubled in the past 10 years, and the number of small businesses has increased by 10 percent during that period of time.

So to maintain the congressional standard in the Small Business Act that a fair share Federal government procurement contracts are awarded the small business concerns, this amendment increases the goal a modest 8 percent, which is, quite frankly, long overdue.

Finally, the goal increase recognizes small business concern's role in the economy. Small businesses employ more than 50 percent of all employees in the United States, and this would cause increased competition, resulting in a downward pressure on pricing, which ultimately benefits the taxpayer. Small businesses are the main contributors to major technological paradigm breakthroughs, as opposed to simply advancing the current knowledge in a specific technological field.

I think this is a very good amendment. I, again, want to thank the gentlelady for offering it.

Ms. BEAN. Mr. Chairman, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIRMAN. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, since 1977, the minimum goal for small businesses in the Federal marketplace has been 23 percent of the total value of goods and services acquired. Each year, the administration boasts of how it almost made its target. Unfortunately, in 2005 alone, at least $12 billion, almost 15 percent of the small business accomplishments, as reported by the Small Business Administration, were actually awarded to large businesses. Agencies have become so single-minded about achieving the minimum goal that they have lost sight of the intent.

The goal is a measurement of commitment to small businesses; and when the goal isn't achieved, small businesses pay the price. Because the minimum has not been met over the past 6 years, small businesses have lost almost $10 billion in contracting opportunities. This represents nearly 200,000 jobs that could have been created across the country.

Many people have asked me, if the small business contracting goal hasn't been met, why do you support increasing it? As I said, the goal is simply a measurement. There are no penalties to an agency for not achieving it.

It is already the policy of the United States, as set forth in the statute, that small firms shall have the maximum practical opportunity to participate in the performance of contracts let by any Federal agency.

□ 1945

It doesn't say minimum; it says maximum. This is why the Bean-Chabot amendment is so important. It gets us away from the small business goal as ceiling mentality. It ensures that small business participation is maximized, not minimized.

I congratulate Ms. BEAN and Mr. CHABOT for this amendment. It was included when the Committee on Small Business unanimously reported this legislation, and I was disheartened to see that it was diluted as the bill progressed. I am pleased to support this amendment, and I look forward to working with my colleagues to ensure that this amendment creates new opportunity for small businesses in the Federal marketplace. I thank Ms. BEAN and Mr. CHABOT on their work on this amendment, and I urge adoption of this amendment.

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

Ms. BEAN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Illinois (Mr. BEAN).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Ms. VELÁZQUEZ. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Illinois will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. WELCH OF VERMONT

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 110–137.

Mr. WELCH of Vermont. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. WELCH of Vermont:

At the end of title II, insert the following:

SEC. 212. SMALL BUSINESS GOALS FOR GREEN SMALL BUSINESS CONCERNS.

(a) IN GENERAL.—Section 15(g) of the Small Business Act (15 U.S.C. 644(g)) is amended—

(1) in paragraph (1)—

(A) by striking ''and small business concerns owned and controlled by women'' both places such term appears and inserting ''small business concerns owned and controlled by women, and green small business concerns''; and

(B) by inserting before ''Notwithstanding the Government-wide goal'' the following: ''The Government-wide goal for participation by green small business concerns shall be established at not less than 5 percent of the total value of all prime contract and subcontract awards for each fiscal year.''; and

(2) in paragraph (2)—

(A) by striking ''and by small business concerns owned and controlled by women'' both places such term appears and inserting ''by small business concerns owned and controlled by women, and by green small business concerns''; and

(B) by striking ''and small business concerns owned and controlled by women'' and inserting ''small business concerns owned and controlled by women, and green small business concerns''.

(b) CONFORMING AMENDMENTS.—

(1) DEFINITION.—Section 3 of that Act (15 U.S.C. 632) is amended by adding at the end the following:

''(s) DEFINITIONS RELATING TO GREEN SMALL BUSINESS CONCERNS.—In this Act, the term 'green small business concern' means a small business concern that carries out its activities in an environmentally sound manner. The Administrator shall, in consultation with the Environmental Protection Agency, the General Services Administration, and other appropriate agencies, specify detailed definitions or standards by which a small business concern may be determined

to be a green small business concern for the purposes of this Act.''.

(2) POLICY.—Section 8(d) of that Act (15 U.S.C. 637(d)) is amended—

(A) in paragraph (1) (in both places such term appears), paragraph (3)(A) (in both places such term appears), paragraph (4)(D), paragraph (6)(A), paragraph (6)(C), paragraph (6)(F), and paragraph (10)(B) by striking ''and small business concerns owned and controlled by women'' and inserting ''small business concerns owned and controlled by women, and green small business concerns'';

(B) in paragraph (3)(F) by striking ''or a small business concern owned and controlled by women'' and inserting ''a small business concern owned and controlled by women, or a green small business concern''; and

(C) in paragraph (4)(E) by striking ''and for small business concerns owned and controlled by women'' and inserting ''for small business concerns owned and controlled by women, and for green small business concerns''.

(3) REPORTS ON GOALS.—Section 15(h) of that Act (15 U.S.C. 644(h)) is amended, in each of paragraphs (1), (2)(A), (2)(D), and (2)(E) by striking ''and small business concerns owned and controlled by women'' and inserting ''small business concerns owned and controlled by women, and green small business concerns''.

(4) PENALTIES.—Section 16 of that Act (15 U.S.C. 645) is amended in each of subsections (d)(1) and (e) by striking ''or a 'small business concern owned and controlled by women' '' and inserting ''a 'small business concern owned and controlled by women', or a 'green small business concern' ''.

The Acting CHAIRMAN. Pursuant to House Resolution 383, the gentleman from Vermont (Mr. WELCH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Vermont.

Mr. WELCH of Vermont. Mr. Chairman, I yield myself such time as I may consume.

I first congratulate the gentlelady from New York and the gentleman from Ohio on the incredible hard-working committee that is producing more legislation that is good for the American people, and I think just about everybody else in Congress, so all of us appreciate your good work. And it is all about the fact that they recognize, as I think we all do, that small businesses are the backbone of our Nation's economy. They must have the opportunity to compete for Federal contracts.

This underlying legislation establishes broad parameters and goals to make small business opportunities available to folks in this country who have not had access to that opportunity. The purpose of this amendment is to establish a goal that will give an opportunity for businesses that are green to have access to these contracts.

Small businesses in my State of Vermont create two out of every three jobs, and it is critical that small businesses be encouraged to develop and supply products and services in an environmentally sound way. My amendment would take a step towards encouraging green businesses by recognizing that those practices of companies can be considered in Federal Government contracts. This isn't just because it is the right thing to do for the environment, it is because there is a growing recognition that if we take on the challenge of cleaning up our environment, it can be pro-high-tech, pro-growth policies that will accomplish that, and I urge favorable consideration.

Mr. Chairman, I yield to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman's courtesy, and it is a pleasure to work with him in cosponsoring this amendment.

Mr. Chairman, the Federal Government is the largest consumer of energy in the world. If we harness the ability of our Federal agencies in terms of what they do with energy, what they do with procurement, we have an opportunity to revolutionize the business practices in this country in a way that doesn't require a lot of new rules and regulations and fees. It is simply leading by example.

It has been my privilege early in my career to do work dealing with minority enterprises, with women-owned enterprises, with small business; because, as the gentleman from Vermont mentions, these are areas that are tremendously underserved, but there is a great deal of energy and vitality and it has made our economy stronger. This is the next logical addition to that portfolio of activities.

By giving a preference to procurement with small businesses that are environmentally sound, it is going to help nurture an explosion of new technology, of new business opportunities, and, most important, most important, it is going to help to bring these activities to scale. It is going to make best green practices more cost effective. It is going to be a better value for the taxpayer. It is the cheapest way to improve the environment. And, ultimately, it is going to strengthen our economy, because areas in the European Union, in Canada and, dare I say, even in Asia dealing with China and Japan, progress is being made. This is going to help us. It is going to give a better value to the taxpayers. It is going to jump start these.

I look in Portland at TerraClean, Ecos Consulting, Rejuvenation House Parts, ecological small businesses. If this is enacted, they will be able to do a better job in the future.

Mr. Chairman, I appreciate the gentleman's courtesy and leadership.

Mr. WELCH of Vermont. Mr. Chairman, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIRMAN. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, we accept this amendment by Mr. WELCH, which proposes a 5 percent goal for Federal contracting with green small businesses. I look forward to working with my colleague on this amendment, which encourages the government to reward small businesses that meet higher environmental standards.

I thank the gentleman from Vermont for his work on this legislation, and I urge adoption of the amendment.

Mr. Chairman, I yield to the ranking member, Mr. CHABOT, for any comments that he might have.

Mr. CHABOT. I thank the gentlelady. We have no objection and support the amendment, and thank the gentleman for offering it.

Ms. VELÁZQUEZ. Mr. Chairman, I yield back the balance of my time.

Mr. WELCH of Vermont. Mr. Chairman, I thank the gentlelady and the gentleman, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. WELCH).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. WYNN

The CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 110–137.

Mr. WYNN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. WYNN:

At the end of title II, add the following:

SEC. 2___. STUDY ON PROVIDING FINANCIAL INCENTIVES TO CONTRACTORS THAT MEET MINORITY AND DISADVANTAGED BUSINESS ENTERPRISE GOALS.

The Administrator of the Small Business Administration shall carry out a study on the feasibility and desirability of providing financial incentives to contractors operating under contracts from a federal agency that achieve the percentage goals set forth in said contracts' subcontracting plans for the utilization of small business concerns owned and controlled by socially and economically disadvantaged individuals. The Administrator shall submit to Congress a report on the results of the study, together with any findings, conclusions, and recommendations that the Administrator considers appropriate.

The CHAIRMAN. Pursuant to House Resolution 383, the gentleman from Maryland (Mr. WYNN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. WYNN. Mr. Chairman, let me begin by thanking the gentlelady, the chairman of the Committee on Small Business, for her leadership over the years on this very important issue.

The amendment I am introducing this evening would require that the Small Business Administration study the feasibility and desirability of providing financial incentives to encourage prime contractors to meet their goals for subcontracting with socially and economically disadvantaged businesses.

Specifically, the amendment would commission the SBA to study different

types of financial incentives that could help or encourage prime contractors to meet their goals set forth in their subcontracting claims for the utilization of small business companies owned and controlled by socially and economically disadvantaged individuals.

Ironically, you heard earlier this evening about the problem of prime contractors failing to utilize small minority and economically disadvantaged businesses. Given the constitutional constraints that we as legislators have in legislating mandates for achieving these goals for minority and disadvantaged businesses, I believe that we must come up with creative and viable alternatives that can help encourage greater participation in the Federal contracting process by these businesses.

One such method to encourage greater participation by small minority and economically disadvantaged businesses would be to devise a means of rewarding prime contractors who meet their small business contracting goals rather than penalizing them. This is similar to the incentives placed in contracts for meeting deadlines and staying within budget.

My amendment would simply require that SBA study and report to Congress about different types of financial incentives that could be implemented that would encourage prime contractors to meet their goals for increasing opportunity for socially and economically disadvantaged businesses. This would allow us to encourage DB participation rather than attempting to penalize contractors who fail to meet their goals. This is an approach that offers more carrot and less stick.

Mr. Chairman, I yield to the gentlelady, the chairwoman of the committee.

Ms. VELÁZQUEZ. Mr. Chairman, I thank the gentleman for yielding.

We are prepared to accept this amendment. Many times the proposed solution to a problem, particularly in the Federal procurement environment, is the assessment of penalties. Sometimes this works. Sometimes it doesn't. I have found that when it works best, it is also accompanied by incentives for good performance.

The gentleman from Maryland begins this process. It is a worthy endeavor, and I am pleased to support the gentleman's amendment. I want to thank him for the work that he is doing on this legislation, and I urge adoption of the amendment.

Mr. CHABOT. Mr. Chairman, we accept the amendment, and we thank the gentleman from Maryland for his leadership on this as he has shown such great leadership on so many other issues as well.

Mr. WYNN. I thank the gentleman for his kind comments and for his support of the amendment, and, of course, I thank the gentlelady for supporting the amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. WYNN).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MS. JACKSON-LEE OF TEXAS

The CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 110–137.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Ms. JACKSON-LEE of Texas:

Section 103, strike ''concern.'' and insert ''concern, and shall make available to the public on the website of the Administration the action taken and the result achieved.''.

The CHAIRMAN. Pursuant to House Resolution 383, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Let me thank the distinguished Chair for yielding and let me also thank the distinguished chairwoman and ranking member for their leadership on this very important issue of small business, and thank them for the series of bills that have come to the floor that are like building blocks in helping small businesses across America. I would like to thank the majority committee staff for working with my staff. I would like to thank Mr. Tsehai for working on I think an important issue.

Let me quickly say that this amendment comes from experience of some of the frustration that small businesses will express coming to your office. The Federal Government is big, and the refuge for small businesses is the SBA. They look for incentives. They look for instruction. They look for guidance. And so my amendment simply says that when there is a dispute and there is a response by the FDA and an action is taken, any action with regard to any disagreement between the SBA and contract procurement agency, this resolve should be put on the Web site.

This is an important part of educating small businesses about their action and gives them an empowerment. And I say that in the backdrop of so many businesses that were housed in Houston who fled New Orleans after Hurricane Katrina. Many businesses were there. They were looking to get restarted back in New Orleans. And the confusion of not being able to access what happened in their request or what happened in a dispute led me to believe that more information on the Web site of the SBA would be extremely helpful.

So I ask my colleagues to support this amendment. It simply provides an opportunity for the Small Business Administration to post on their Web site any action taken and the result achieved with regards to any disagreement between the SBA and any contract procurement agency.

I yield to the chairwoman of the full committee, Congresswoman VELÁZQUEZ.

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Ms. VELÁZQUEZ. I thank the gentlelady for yielding.

We accept this amendment which will require the Administrator of SBA to make public the actions taken on behalf of small businesses or trade associations with regard to bundled contracts. More importantly, it will publicize the results of their actions.

I look forward to working with my colleague on this amendment which will add transparency to the bundling appeals process.

I, again, want to thank the gentlewoman from Texas for her work. I urge adoption of the amendment, and I yield to Ranking Member CHABOT.

Mr. CHABOT. I thank the chairwoman for yielding.

I want to thank the gentlelady from Texas for offering this very helpful amendment. We've looked over it, and we think it's a very good amendment. I've had the pleasure to serve on the Judiciary Committee with the gentlelady for the past 13 years. I've agreed with some amendments. Unfortunately, oftentimes, I've disagreed with her amendments. But it's very nice to be able to agree with one that the gentlelady has offered. So we thank the gentlelady for offering it.

Ms. JACKSON-LEE of Texas. Thank you very much. I thank the chairwoman and the ranking member. And, Mr. Chairman, it's always good when light comes into this place and we have consensus; and I'd ask my colleagues to support this amendment.

I thank the Chairman and Ranking Member for allowing me to explain my amendment to H.R. 1873, the ''Small Business Fairness in Contracting Act.''

My amendment, which enjoys full support from Chairwoman VELÁZQUEZ, brings transparency, accountability and responsiveness to the process of procuring federal contracts. By mandating that the Small Business Administration (SBA) post on their Web site any action taken and the result achieved, with regards to any disagreement between the SBA and the contract procurement agency, individuals can be assured that their government is open and honest. The purpose of this amendment is to ensure transparency and accountability of the SBA to the small businesses it was designed to protect and assist.

My amendment is straightforward. My amendment is vital. My amendment is essential. And my amendment is bipartisan.

We may not realize the impact that small businesses have on our lives, but they represent the sole diner that is open on a late night trip, the catering service that turns a family gathering into a lifetime of memories, or the mechanic that will not allow your first car to die.

In conclusion, we the members of the 110th Congress are sending the right message to the American people and small business owners that we are committed to eliminating waste, fraud, and abuse.

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

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MS. JACKSON-LEE OF TEXAS

The CHAIRMAN. It is now in order to consider amendment No. 8 printed in House Report 110–137.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Ms. JACKSON-LEE of Texas:

Section 104, strike ''Senate.'' and insert ''Senate, and any other committee of the House and Senate that has jurisdiction over the agency concerned.''.

The SPEAKER pro tempore. Pursuant to House Resolution 383, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. I thank the distinguished chairman for his yielding to me and appreciate his leadership in the Speaker's chair this evening.

Let me again express my appreciation to the chairwoman of the full Committee on Small Business and, as well, the ranking member for their assistance in this amendment and their staff and my staff as well.

This amendment is one that reflects, again, that small businesses are small businesses, and they need our assistance. They also work with a number of agencies, and those agencies have contracting procurement offices. Those, of course, are challenges for many small businesses, one, to have a road map of how to get a procurement from a large, if you will, government agency. Many times, there may be disputes.

This amendment simply says that any disagreement between the SBA and the contracting procurement agency, the appropriate House and Senate committees with jurisdiction over the matter should be informed. This includes the Committees on Small Business and Oversight and Government Reform. This, of course, is designed to ensure that both the SBA and the procuring agency are accountable and forthcoming to the committees which have jurisdiction over the procuring agency as it relates to small businesses and meeting SBA and congressionally mandated goals. Of course, this emphasizes the fact to make sure that we do have the widespread of small businesses, women-owned businesses, minority-owned businesses.

My amendment is simple; my amendment is, I think, helpful; and my amendment is necessary and bipartisan. Small businesses are the backbone of our society, and they represent an American dream for numerous families and provide much-needed revenue to the local municipalities they live in. So I therefore ask that that amendment be accepted.

I thank the Chairman and Ranking Member for allowing me to explain my amendment to H.R. 1873, the "Small Business Fairness in Contracting Act."

My amendment has the full support of Chairwoman Velázquez and mandates that whenever there is a disagreement between the SBA and the contracting procurement agency, the appropriate House and Senate committees with jurisdiction over the matter are informed. This includes the Committees on Small Business and Oversight & Government Reform. This amendment is designed to ensure that both the SBA and the procuring agency are accountable and forthcoming to the committees which have jurisdiction over the procuring agency, (as it relates to small businesses and meeting SBA and congressionally mandated goals.)

My amendment is simple. My amendment is important. My amendment is necessary. And my amendment is bi-partisan.

Small businesses are the backbone of our society. They represent the American dream for numerous families, and provide much needed revenue to the local municipalities they serve. The very nature of small businesses tend to create a bond between customer and shop owner that can not be duplicated within the confines of our super-malls, or on the never ending maze we call the internet. Small business owners value the relationship they share with their customers, and tend to go above and beyond the normal call of duty to meet their clients' needs.

Mr. Chairman, I would yield to the distinguished gentlelady from New York (Ms. VELÁZQUEZ).

Ms. VELÁZQUEZ. Mr. Chairman, I want to thank the gentlelady for yielding.

We are prepared to accept this amendment. The gentlelady's amendment provides a measure of enforcement. It requires agencies to send copies of letters in which they have disagreed with the SBA's attempts to maximize the usage of small businesses on bundled contracts to the relevant authorizing committee.

The committees will soon become familiar with the extent to which agencies within their jurisdiction are bundling contracts and will have a better handle on the extent of this problem.

I urge adoption of this amendment, and I yield to the ranking member, Mr. CHABOT.

Mr. CHABOT. I thank the gentlelady for yielding, and I want to again commend the gentlewoman for offering a helpful amendment. And we accept this amendment as well.

Ms. JACKSON-LEE of Texas. I thank both the chairwoman and the ranking member. I ask my colleagues to support this amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

Ms. VELÁZQUEZ. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. SUTTON) having assumed the chair, Mr. LINCOLN DAVIS of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1873) to reauthorize the programs and activities of the Small Business Administration relating to procurement, and for other purposes, had come to no resolution thereon.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1873, SMALL BUSINESS FAIRNESS IN CONTRACTING ACT

Ms. VELÁZQUEZ. Madam Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 1873, including corrections in spelling, punctuation, section numbering and cross-referencing, and the insertion of appropriate headings.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

CONTINUATION OF THE NATIONAL EMERGENCY BLOCKING PROPERTY OF CERTAIN PERSONS AND PROHIBITING THE EXPORT OF CERTAIN GOODS TO SYRIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–33)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice, stating that the national emergency declared in Executive Order 13338 of May 11, 2004, and expanded in scope in Executive Order 13399 of April 25, 2006, authorizing the blocking of property of certain persons and prohibiting the exportation and reexportation of certain goods to Syria, is to continue in effect beyond May 11, 2007.

The actions of the Government of Syria in supporting terrorism, interfering in Lebanon, pursuing weapons of mass destruction and missile programs, and undermining United States and

international efforts with respect to the stabilization and reconstruction of Iraq pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue in effect the national emergency declared with respect to this threat and to maintain in force the sanctions I have ordered to address this national emergency.

GEORGE W. BUSH.

THE WHITE HOUSE, *May 8, 2007*.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1684, DEPARTMENT OF HOMELAND SECURITY AUTHORIZATION ACT FOR FISCAL YEAR 2008

Mr. MCDERMOTT. Madam Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 1684, including corrections to the spelling, punctuation, section numbering and cross-referencing, and the insertion of appropriate headings.

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

There was no objection.

WE ARE AT A CROSSROADS AGAIN

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, we are at a crossroads again. The legislation that we worked so meticulously on to ensure the funding of our troops just about a week ago saw the veto pen of the White House without consideration of the failed mission that Iraq has become.

I did not say military operations because I believe that our soldiers are valiant, and they have achieved the success that we've asked them to achieve. That is why I went to the Rules Committee today to ask for the consideration that the resolution in the fall of 2002 should expire. In fact, it has expired, because we have shown there is no nexus or was no nexus between Saddam Hussein and terrorism. There were no weapons of mass destruction; and, of course, we know that Saddam Hussein is no longer in power.

Unfortunately, our President has expanded the resolution, building on it, surging troops, and the great loss of life has harmed the United States.

There's been no diplomacy, there's no reconstruction, and the government of Iraq is weak. I hope that when we debate this question tomorrow that we will recognize that the best solution is a diplomatic, a political and social solution that requires a reconstruction, if you will, of Iraq, the inclusion of the allies surrounding the region, the engagement with Syria and Jordan and Saudi Arabia, working with NATO. But, more importantly, it requires that we redeploy out of Iraq; and I hope we will consider at some point the idea of the resolution expiring.

It is time to save lives, those of our soldiers, and to bring them home in dignity.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

UP OR DOWN VOTE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Madam Speaker, I rise to call for an up or down vote on a timetable for getting U.S. soldiers out of Iraq. Simple, straightforward and to the point.

Do we stay or do we redeploy?

All this talk about benchmarks is a diversionary tactic by the administration to keep making war. Last November, the American people elected Democrats for one reason above all others, to get U.S. soldiers out of Iraq and get Americans out of the Iraq war.

The American people have given up on the credibility of the President. Every week another poll confirms another vote of no confidence by the American people against this President. In a new poll, the Americans disapprove of the President's handling of the Iraq war by a two to one margin.

Newsweek magazine has the President's approval ratings even lower. Nearly 7 in 10 Americans believe the President's actions in Iraq show he is stubborn and unwilling to admit his mistakes.

In USA Today, nearly 80 percent don't believe the President's assertion that a U.S. presence in Iraq is preventing terror attacks here at home.

The American people get it. Nothing good comes from being in Iraq, and nothing worse will happen by leaving Iraq.

The American people have issued orders, but the President refuses to redeploy his thinking. More U.S. soldiers and more Iraqi civilians are dying every day. Iraqi children are being traumatized every day by the sight of dead bodies in the street. Over a million Iraqi civilians have fled to Jordan and Syria, where the refugee crisis grows by the hour.

And the President's plan to address this reality is spending more money building concrete walls in Baghdad. Walling in the Iraqi people isn't going to solve anything and may, in fact, worsen the ethnic cleansing that is essentially a part of a civil war raging throughout the country.

How ironic that a Republican President authorizes building concrete walls to contain and separate Iraqi people. The Soviets tried it in Berlin, and it wasn't many years later that Ronald Reagan, a Republican President, told Gorbachev, ''Tear down this wall.''

Iraqi leaders are demanding that the U.S. stop building walls that are in effect concrete jail cells, locking up innocent Iraqi citizens and making them easy prey for more attacks. It may be their country, but that doesn't matter to this White House.

By yesterday, 144 Iraqi lawmakers out of 275 signed a petition calling for the U.S. to set a timetable to withdraw. That is a majority. The story broke this morning on Alternet.com, and one of the reporters, Joshua Holland, has broken other significant news stories concerning Iraq. This is the first time that over half of the duly elected members of the Iraqi Parliament have gone on the record demanding a date for U.S. withdrawal.

Iraqi leaders want their country back, but this President isn't going to honor that request. The President's veto of the supplemental Iraq spending bill was his de facto military escalation of the war, a declaration that he intends to keep making declarations of war, not peace, and the President's veto was his rejection of working with the Congress to end the Iraq war.

A war with benchmarks is still a war. A war with benchmarks in this administration is a war without end. The only benchmark this administration will understand is an up-or-down vote on the Iraq war. And we have been promised an up-or-down vote on Iran, and we need to take that as well.

Members deserve the opportunity to say with their vote what they think and what we are hearing back home from our constituents. Unless we do the job the American people elected us to do, the President won't be the only one getting a vote of no confidence.

The people have spoken and spoken. In the People's House, it is time we accept the will of the American people. Schedule an up-or-down vote on setting a timetable for getting U.S. soldiers out of Iraq.

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The SPEAKER pro tempore (Ms. SUTTON). Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

LIVABLE PITTSBURGH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. ALTMIRE) is recognized for 5 minutes.

Mr. ALTMIRE. Madam Speaker, it is a true pleasure for me to stand here tonight to talk about my favorite city, the city of Pittsburgh, which was once again named by Rand McNally as America's ''most livable'' city.

Now, Rand McNally has been designating cities as livable for 26 years, and

Pittsburgh is the first city to ever repeat. We also won it in 1985. They do it every 4 years. And I can't tell you how happy I am to have this designation because this shows for the rest of the country and the rest of the world what we already know in Southwestern Pennsylvania, that Pittsburgh is a great place to live and work. And Rand McNally has done this through formula. And 379 cities are rated on nine categories: housing, transportation, jobs, education, climate, crime, health care, recreation and ambiance, which covers its being a great place to live and work and things to do.

Pittsburgh was in the top 30 percent in the housing category. It is 93 percent of the national average in the cost of living with regard to housing. In transportation, Pittsburgh's commute is 25 minutes to work one way. And I challenge the rest of my colleagues in some other areas of the country to match that. I know that it is frustrating during rush hour to find your way into work, and in Pittsburgh generally on most days you can get in relatively quickly.

The average house in Pittsburgh is 49 percent below the national average in cost at $112,000. So that is why we rank so high in housing. In jobs, Pittsburgh is in the top quarter there. For 100 years, it still is one of the Nation's top corporate centers as home to Fortune 500 companies: Alcoa, Heinz, Mellon, PNS, PPG, U.S. Steel, and WESCO International. We have more than 90 multi-billion dollar, global corporations that call the city of Pittsburgh home.

We have more than 2,000 acres of ready-to-go sites near our airport. We have the Nation's second busiest inland port with our three rivers and the waterways. And importantly, for the environmentally conscious, Pittsburgh has the most certified ''green'' buildings in the entire country.

In education, we are home to 34 colleges and universities, including Carnegie Mellon University, which always is ranked as one of the best in the entire Nation. We have four distinct seasons with 7 months that see sunshine 50 percent of the time. And I will admit that our winters can be tough, and that was probably not our strong suit, but we still were number one overall.

Pittsburgh in crime has the lowest crime rate of any of the top 25 cities in the entire country, and this is a consistent rating that Pittsburgh has finished strongly.

In health care, we are an international leader in medical research and innovation. We have a world class health care system. We are ranked 14th overall in the country and our children's hospital is ranked 11th in the entire country.

In recreation, we have five cities. We have three rivers that provide 38 miles of shoreline for recreational purposes such as fishing. And we have PNC Park for our baseball team, which has been rated consistently as the top baseball park in the country. We have a new Penguins arena scheduled to be built and a great young hockey team. And we have a football team that has now won five Super Bowls. So we have a lot of sports and recreation to do.

And in the performing arts, we have more performing arts concentrated in one area than any city in the country outside of New York City. It has been voted the second best cityscape in America, the view from the top of Mt. Washington in Pittsburgh. We have whitewater rafting and downhill skiing within 90 minutes. And we have a bike passage that goes all the way from the city of Pittsburgh to right here in Washington, D.C.

So, again, the fact that we were number one in Rand McNally for the second time did not surprise me, and it did not surprise the rest of the people in western Pennsylvania. But it might have come as a surprise to some other people around the country.

And I stand here tonight to tell my colleagues and anyone else that may be viewing tonight that Pittsburgh is a fantastic place to live and work, especially for young people. And we are doing a much better job now attracting and retaining a younger workforce, and we have shown through a variety of ways that we have young and dynamic leadership.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

(Ms. ROS–LEHTINEN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SESTAK) is recognized for 5 minutes.

(Mr. SESTAK addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. SHAYS) is recognized for 5 minutes.

(Mr. SHAYS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

(Mrs. MCCARTHY of New York addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HINCHEY) is recognized for 5 minutes.

(Mr. HINCHEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

(Mr. CUMMINGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE 30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Connecticut (Mr. MURPHY) is recognized for 60 minutes as the designee of the majority leader.

Mr. MURPHY of Connecticut. Madam Speaker, I would like to welcome my colleagues to another addition of the 30-Something's hour. I would like to thank the Speaker of the House, NANCY PELOSI, for allowing us the opportunity to get together and talk not only about some of the most important issues that face this hall this week and at this moment but also talk a little bit about how these issues are of particular concern to people of younger generations in this country.

We are going to be joined today, I know, by Mr. ALTMIRE, who just gave a very compelling 5-minute address to the House and, hopefully very soon, by Ms. WASSERMAN SCHULTZ, one of our favorite members of the 30-Something Group.

Madam Speaker, hopefully we will get to touch on a few different topics, but I think we need to touch on at the beginning of this hour the subject that really dominates the debate in Washington, D.C., right now, that dominates

most of the discussion out in the coffeehouses and pancake breakfasts and pasta dinners happening across this land, and that is, what is happening in this town? What is happening in Washington, D.C., inside the beltway? And that is, why can't government figure out what everyone else has figured out across the country, that we need to set a new direction when it comes to this country's policy in Iraq.

Now, I am certainly starting to feel that frustration. People thought when they weighed in on the national elections in the beginning of November of last year that they were actually saying something; that when they stood up in record numbers in some parts of this country and made courageous decisions district by district to replace long-time incumbent Members this Congress with relatively new Members, such as myself, such as Mr. ALTMIRE and some 40-odd number of our friends on this side of the aisle that became new Members this January, they thought that it meant something. They thought that that voice that they spoke with in the beginning of November was going to be heard down here. And I can tell when I go back to my district, and I just came back this last weekend and I have been back every weekend since we have been down, that the patience of the American people is starting to wear thin. Now, it is not necessarily directed here. I think some people are still in some sort of sense of euphoria that we finally have a Congress that is listening to the American people again. Their anger is directed at the President of the United States. Their anger is directed at an administration that just doesn't seem to get it, that refuses every step of the way to step up to the plate and have some type of accountability for what is happening here, refuses to listen to the American people.

And the American people have spoken in the election, and they continue to speak today. A CNN poll that came out just a short while ago said a majority of Americans, 65 percent, oppose the Iraq war, and a full 54 percent disapprove of the President's decision to veto the Iraq accountability bill last week. Nearly six in ten Americans, in a recent Gallup poll, support setting a firm timetable for withdrawing U.S. troops out of Iraq; 61 percent of Americans, in another CNN poll, favor a bill that sets benchmarks that the Iraq government must meet to show progress that is being made in Iraq; 55 percent of Americans think it was the wrong thing for the United States to go to war in the first place. That is an amazing number, Madam Speaker; 55 percent of Americans, the majority of the Americans, now today believe that it was the wrong decision to go into Iraq in the first place.

Before the time of Mr. ALTMIRE and me, the 30-Something Democrats, Mr. RYAN and Mr. MEEK and Ms. WASSERMAN SCHULTZ, liked to point out third-party verifiers. It is not just our saying it. Things that we stand here and say have actually been said time and time again by people who know what they are talking about and the American people.

Here is third-party verification: The American people by large numbers support not only the actions of this Congress when it comes to setting firm benchmarks for the Iraqis to stand up for themselves but also to set firm timetables by which we would start to redeploy our troops. Now, the American people join a growing hegemony of opinion within our foreign policy community. There are very few times when Republicans and Democrats outside this hall decide to agree on a course forward on something as weighty as the foreign policy issues that confront us in the Middle East. But the Iraq Study Group, five Democrats, five Republicans, Mr. ALTMIRE, came together and told us, it is time to set a new course. It is time to start bringing our troops home, start redeploying them to fights that matter. Record numbers of retired generals.

Now, it has become kind of de rigueur to see on a daily basis retired generals from across America to come out and start to criticize the President's policy. This didn't happen before in these numbers. This is not the normal course of business for the men and women who have spent their lives fighting and leading American troops to then turn around after they have left their military service and criticize the very government that they have worked for, fought for and bled for all of those years. But that is what is happening today because the stakes are so high. The American public, bipartisan leaders on foreign policy issues and former military leaders are standing up and saying enough is enough.

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We need to set a new course.

Now, there seems to be a very powerful sound barrier that has been built around the White House. Because for as many voices, the multitudes of American people, the multitudes of foreign policy experts, of retired generals, many of which ended their careers on the ground in Iraq, for all of those people throwing the might of their collective voices at the White House, a deafening silence.

Madam Speaker, I got the chance to go over and visit our troops in Iraq and Afghanistan; and the first thing you're struck by is the unbelievable and unconditional bravery that they show this Nation. The capability of these forces is almost beyond explanation, and I got the chance to come back and talk to the President very briefly about it in a visit to the White House.

Those troops know that the situation on the ground has changed dramatically, that the fight that began as a battle against the autocrat that was Saddam Hussein now has become a civil war. The troops know it because they're right in the middle of it.

We asked our military leaders, how much of the fire that is being directed at American troops is the result of insurgent forces and al Qaeda forces firing at Americans and how much of it is simply a sectarian war that we find ourselves in the middle of? And the answer was the same no matter who you asked. Ninety percent of the fire directed at American forces are Sunni and Shia fighting each other, sometimes Shia and Shia fighting each other, that we are caught in the middle of.

This President, for some reason, refuses to understand how things have changed on the ground in Iraq and how things have changed when it comes to the opinion of foreign policy leaders, military leaders and the American public.

I think many of us were very proud to stand together, certainly the freshman class and as a caucus, to support our leadership's position to set a new course; and we were dismayed to see a President who is unwilling to work with this Congress. We will take another shot at that this week by presenting the President with another alternative on his desk once again to set that new direction. And from what we hear today, it will be met with the same resounding deafening silence and indifference to the will of the American people.

I am so glad to be joined here by one of my great freshman colleagues, Mr. ALTMIRE from Pennsylvania, who I think shares with me, as new Members, as two young guys who have only spent about 4 or 5 months down here, that sort of growing sense of frustration when we go back to our districts and we hear people who wanted that change feeling like they're not getting it here because there is an administration that simply won't join that growing unanimity of opinion to set a new course.

I would like to yield to my friend from Pennsylvania.

Mr. ALTMIRE. I appreciate the gentleman from Connecticut, and I admire his leadership. I know that you did make that trip to Iraq and you came back and you can speak with some authority and some expertise, and I appreciate hearing from you. And I especially appreciate the opportunity to speak tonight on what is definitely the most important issue I think everyone would agree that we face.

I was struck by the fact that the gentleman mentioned third-party verification for different options and different opinions in Iraq. And what strikes me is the fact that the President of the United States has declined to listen to any third-party verification. He has delivered a loud and clear message last November that the American people called for change, not only domestically here in America but especially in Iraq. He has been told by his generals on the ground that he is not moving in the correct direction. He has been told by his advisers, before they're replaced, that he's not going in

the right way. The Iraq Study Group, as we all know, recommended the course of action that we have advocated; and the bill that he vetoed was verified by the Iraq Study Group.

The fact that he fails to listen to the American people, he fails to listen to his military advisers, he fails to listen to his White House advisers and he fails to listen to the Iraq Study Group, that demonstrates a clear decision on his part that he is going to ignore all of those opinions and continue down the same failed course.

I was dismayed today when I heard the news that 35,000 American troops have been told that they can expect to be sent to Iraq this fall and that their tour is going to last at least through the spring of 2008. Now, this is additional troops after the surge that we had been told in January was only going to last a few months and only going to be 21,000 troops. Now we're hearing an additional 35,000 troops and the surge is going to be at least 18 months instead of the 2 or 3 or 4 months that were we were initially led to believe.

But, thankfully, this Congress took clear and decisive action by sending the President a bill, which we have talked about before, that gives the troops the money that they need. It actually contains more money in funding for our troops on the ground in Iraq and Afghanistan than the President requested, and that bill was met with a veto, as we know.

I had someone come up to me over the weekend and say, well, when are you going to get our troops the money that they need? And I said, we sent the President a bill that does exactly that. It was the President's decision to veto that bill and delay this process and, most importantly, delay the funding for our troops.

So the fact that he now came out and made a statement today that if we sent him a bill, that is, we took out all the things that he talked about that he doesn't like, it is not going to have the timelines and the things that he used as his reason for vetoing it the first time, we are going to send him a bill that gives the troops the funding that they need to get them through the next several months, and it is actually going to again be more funding than he asked for for the period of time that we are going to send him the money for, and we were told today that is going to be met with a veto.

So I am exasperated to hear this, because I want the troops to get the money and the funding and all the equipment and resources that they need to continue the brave fight that Mr. MURPHY from Connecticut was talking about and that he witnessed firsthand. But we can't do that alone. We need the President to sign the bill that we sent him.

Tomorrow, we are going to vote on our second bill after the veto; and we are going to send it to the White House. I hope that the President will reconsider his decision to delay the funding that our troops in the field need, because these are the bravest and brightest Americans. These are people who are putting their lives on the line. They are giving every sacrifice. They are leaving their families back home for extended periods of time, multiple tours. And we are giving them the money that is required, but the President is delaying the process. So I share the frustrations of the gentleman from Connecticut.

At this time, I will yield to the gentlewoman from Florida, our fearless leader with the 30-Something Working Group, Ms. WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. Thank you so much, Mr. ALTMIRE.

I have to tell you what a pleasure it is to have the reinforcements in you and Mr. MURPHY and a number of other Members, you, Madam Speaker, to have been elected on November 7 to bolster the efforts of the 30-Something Working Group. Because we hung in there for the last couple of cycles and took to the floor every night to talk to the American people and to our colleagues on this floor about the issues that we believed were important to them that were not being addressed by our colleagues and good friends on the other side of the aisle when they were in charge.

I want to follow up on what you and Mr. MURPHY have just been discussing relating to the President and his attitude. The conclusion that I have reached is that it must be that the President has contempt for the democratic process. I can't really reach any other conclusion besides that.

Because we are not a monarchy. He hopefully realizes that he was not elected king. He is not self-appointed. He is one of three branches of government that are coequal, coequal meaning we have as much say and as much right to weigh in on something as significant as whether to, A, commit our troops to war, and, B, we control the appropriations, we control the purse.

And what we believe, as Democrats, is that it is irresponsible for us to give this President a blank check and an open-ended commitment to the Iraqi government with absolutely no accountability and no requirement that there be progress forward or benchmarks met. I mean, the President must believe that we aren't listening to our constituents, or maybe he's not listening. He says he is listening. In fact, on April 24 of this year the President said this, ''Last November, the American people said they were frustrated and wanted change in our strategy in Iraq. I listened.''

Really? I have yet to see any evidence of him listening. What I have seen evidence of, and, you know, I know that I often go back to the analogy of my interaction with my own children when talking about this President, but my frustration and observation about the insolence on occasion of my own children is similar to what we have been observing from the reaction from this White House.

I really can analogize it that when I am talking to, for us as the Democratic majority in Congress, we sent him legislation in the supplemental appropriations bill that he vetoed. And I have the privilege of serving on the Appropriations Committee and served on the conference committee. We sent him the legislation with a timeline for withdrawal, with his own benchmarks as he outlined on January 10, with accountability and with protection for our troops, A, ensuring that they not have a tour of duty without a 365-day separation in between those tours, the Army's own rules. We made sure that there was $1.7 billion in funding for veterans' health care. We made sure that there was $1.7 billion in there for military health care, something that you have been incredibly concerned about, veteran and military health care, Mr. ALTMIRE. And on and on. The issues that were, according to the President, very important to him and clearly important to the American people.

And so he vetoed that and said that there were other concerns that he had, that he didn't want his hands tied, that he wanted to have the flexibility, that he just wanted a blank check and open-ended commitment. We, being a coequal branch of government, have gone back to the drawing board. And the Democratic majority believing in compromise and a need to negotiate in good faith, we have now put forward another proposal, a proposal that is designed to address the concerns that he outlines.

And normally when you're going through a good-faith negotiation there is what's called ''back and forth,'' for example, the analogy that I began a minute ago, when my children don't like what I'm telling them, when I'm talking to my kids and I explain to them that I want them to do A and they don't want to do A, and we kind of go back and forth. And being a parent of small children, sometimes it's a dictatorship, but sometimes there's negotiation. And it always works better when you can work things out with your kids and teach them that compromise is going to get you further. But when they don't like that compromise, my kids, just like all kids, stamp their foot and whine a little bit and tell me that they don't want to do that.

That really feels like how this President has reacted to Congress' clear ability to weigh in on the direction that this war should be taking. The American people certainly have weighed in. And what I don't understand is why the President isn't willing to come to the table and negotiate in good faith. The my-way-or-the-highway attitude that he has taken is irresponsible.

What we are doing in this next proposal is we are making sure that we fully fund over the next 3 months the

funding that the troops need. We provide the President and the Army with the funding that they need, but we tie it to benchmarks, we tie it to progress. The Iraqi government cannot believe that we will be there forever.

And then we have a second vote where we would come back; and if the President can certify to us that those benchmarks are being met, then the rest of the funding would be released. If he can't certify that to us, then the funding that we would appropriate would be used to go through a redeployment process.

Because at some point the madness has to end. That is what the American people have told us when we've gone home to our districts in town halls, in e-mails, in phone calls. The President appears to have ear plugs in his ears, and it's wrong. And that's why the Founding Fathers established coequal branches of government, so that one person in the executive office, in the Oval Office could not unilaterally decide to commit our troops, to keep them there and to engage us in military action indefinitely. It's irresponsible.

Mr. MURPHY.

Mr. MURPHY of Connecticut. Thank you, Ms. WASSERMAN SCHULTZ.

Your question is a perfect one: When will this madness end? When will we recognize that we need to set a new course, that we need to start paying attention to not just what's happening within the borders of Iraq but what's happening in Afghanistan, what's happening on our own shores, where we still haven't appropriated the amount of money to devote to the resources that we should in order to secure our own borders and our own ports?

And here is what it comes down to: If the Democrats weren't in control, the madness would never end; it would go on forever. There is absolutely no commitment, no willingness, no one on the other side of the aisle, very few at least on the other side of the aisle and certainly very few in the administration have woken up to the new reality here.

And to me, I won't say who it was, but a member of the Republican leadership the other day was quoted in the paper as saying this. This person said, you know what? The President, we are going to give him some time to put forth this plan to escalate the war in and around Baghdad.

□ 2045

But if it doesn't work, he is going to have to tell us what plan B is. Guess what. We are not on plan B we are on plan like double R. We have tried everything. We have been in there for longer than we were involved in World War II, and we still haven't found out what works.

Well, at some point, we are going to have to wake up to the notion that nothing that our military may try is going to work.

Now, if anyone can do this job, I think our military can do it. The problem is that we have gotten ourselves into a political quagmire, and the sooner we realize that plan A and plan B and plan C and D and E and F all didn't work, in large part because we have gotten ourselves into a mess that has probably, we hope, a political and diplomatic solution but may not have a military solution.

Ms. WASSERMAN SCHULTZ, I just want to talk for a minute, I know we really want to talk about some domestic issues here, but I want to talk about some of the stress we have put on our forces here at home. Because I have to tell you, as we watched some of the tragedies unfold in the Midwest, in Kansas, and we saw the inability of our National Guard in that State to respond, unfortunately, it took that incident for a lot people to finally wake up to the notion that our Reserve units and our National Guard units, the very troops that we relied on for years, decades, to provide us with security when tragedy befell our compatriots here at home, aren't there any longer. We heard it from Governors in Iowa, Minnesota and, of course, now in Kansas.

The administration, as usual, seems to be more interested in throwing around blame than they seem to be interested in actually solving the problem. When the Governor of Kansas came out and said, listen, here you see it; we don't have the resources to respond to this devastating crisis because our National Guard units have been deployed over and over again overseas in a way that we never asked our National Guard and Reserve units to be deployed in the past, the White House came back and said, well, you know what? That is not our fault. That is the Governor's fault for not telling us that she had problems. If she had just told us she had problems, we would have done something about it.

Well, guess what? She did. Last year, quoted in the New York times, the Governor of Kansas said, we are not only missing National Guard personnel, we are also missing a lot of the equipment that is used to deal with situations at home, day in and day out.

Well, you know, we have heard a lot about how folks in the White House don't read newspapers with the rigor that some of us do. They certainly did not read The New York Times that day when the Governor of Kansas almost a year ago sounded the bell and said, if we don't start replenishing our units here at home, we are going to be in big trouble. And we are.

Ms. WASSERMAN SCHULTZ. I am really glad that you touched on that, because you read my mind. I am obviously from a State where the National Guard and its readiness is imperative. We are approaching June 1st, which is the beginning of hurricane season. It runs all the way through to the end of November. I know from conversations that I have had with our Guard leadership in Florida that a good amount of our equipment is over in Iraq still. And to make matters worse is that the equipment that has come back is in such horrendous shape that it is almost unusable.

When I had a meeting in my district office with the head of our National Guard, with the commander, this was over a year ago, he expressed that concern to me over a year ago. We can't deal with the lack of readiness in Kansas but certainly not in a State like Florida where we are in the middle of hurricane alley. And we have already had the first main storm today, three weeks before the hurricane season even begins.

So we are not just talking about the foreign policy impact, the perception of our Nation across the world or the impact on our troops. There is a domestic impact, a significant detrimental domestic impact to our inability to address where we are in this war and when it is going to end.

We have got to make sure that the Iraqi government and the Iraqi troops are in a position to stand on their own so that we can bring our troops home and deal with the domestic needs that we have in this country.

Mr. ALTMIRE. Mr. Speaker, I think the gentlelady has touched on that issue in a way that makes sense to most onlookers. She comes from a State that has seen problems. But we saw as a nation what happened in New Orleans in 2005 and the lack of response that took place in large part because of these issues that we are talking about, because the Guard and the Reserve that would usually be called upon to address those issues and come to the aid of the victims of that hurricane were deployed or otherwise engaged.

We have a National Guard and Reserve that has been the subject of multiple deployments now, often three, four deployments. And when we have a situation like unfortunately happened in Kansas recently, we see the result. The Guard and Reserve is over deployed, and we are not able to respond in the fashion we need to respond when we have a national emergency, such as we saw in Kansas.

I wanted, if it is okay with the gentleman from Connecticut, to switch the topic to gas prices, because I realized as I was looking at the gentlewoman from Florida, there may be some viewers who are wondering what that apparatus is that is next to her. It is a gas pump. I will let her talk about that momentarily.

But I just wanted to start the ball rolling on that discussion and read you a quote from the President of the United States from July of 2001. So we are going back 6 years now. This is what the President said: ''My administration has proposed a plan that will reduce America's reliance on foreign oil.'' Six years ago.

For those who are interested in the success or lack thereof of that statement: In 2002, this Nation got 58 percent of its oil from foreign sources. That was our dependence. In the year 2006, last year, that number had risen to 66 percent.

Here you have a President who says that it is one of his priorities to reduce our dependence on foreign oil. We went from 58 percent in his first full year in office to 66 percent last year, and it is exponential growth, just a chart that goes straight up. So I would say that his philosophy has not worked as well as perhaps he would have hoped.

What is most disappointing to me is I sat here for my first State of the Union address as a Member of Congress, and I listened to the President go on for quite some time about energy independence and the need to reduce our dependence and reliance on foreign oil. I was encouraged by that. This was still my first month in office, and I thought, this is a President that has finally seen the light and was going to move in that direction.

But, unfortunately, I went back and I reread some of his previous State of the Union addresses, and I realized that he has made that claim multiple times over the years of his administration. And instead of seeing a diminishment of our reliance on foreign oil source, it is growing exponentially.

So it is frustrating to me to see the lack of attention to what is the first issue domestically that I hear about when I go back to my district, and I am sure the gentlelady from Florida and the gentleman from Connecticut have the same questions bestowed upon them when they go back to their districts, why are gas prices so high, and what are you doing about it?

Well, this Congress is taking steps to do something about it. After years of coddling the big oil companies and giving them taxpayer subsidies in the billions of dollars at a time when they are making all-time record profits for any industry in the history of the country, we have finally decided we are going to pull back on those subsidies and redirect them to alternative sources of energy, to research and development of a myriad of sources of energy, to get us off of our dependence on foreign oil, something the President said was his priority 6 years ago, but nothing was done about it.

So this Congress is going to use that money for research and development to grow us out of this problem through research and development.

I yield back to the gentleman from Connecticut, who has a chart that illustrates what has happened to gas prices since this President first took office.

Mr. MURPHY of Connecticut. Mr. Speaker, let me set the stage to kick it over to Ms. WASSERMAN SCHULTZ.

Here it is. The President took office January 22, 2001, $1.47; $1.47, that is like sort of a mystical number now. I can't even fathom when we were paying $1.47 for gas. Today, the average price for a gallon in the United States, $3.05.

Now, I am going to admit that in my part of the world, in northwestern Connecticut, probably like everybody's district, we have a couple of conspiracy theorists up there. We have a couple of people that are not actually willing to believe that the best of intentions are always at the root of decisions made in our political and economic system.

I have to tell you, the cynic in me and the conspiracy theorist in me, and there is a little bit of it, wonders a little bit why gas prices dipped down, curiously, right about the time when we were all up for election and reelection. Just when there was this sort of wave of economic discontent swinging across the country and all of the people were talking about finally taking our economy back from the oil companies. Just as this country was poised to make a decision to finally end, as Mr. ALTMIRE said, our firm decades-long dependence on oil and foreign oil in large part, why did gas prices just dip right then? And then as soon as January, February came around, creeping up and up, a little bit more and a little bit more. Now as we head into the summer, into the prime driving months of the year, we are at $3.05 a gallon.

Now, I am not willing to say that is just politics, but the cynic in me has to wonder sometimes whether or not our gas and oil companies were just hoping, hoping that they could stem the tide and that they wouldn't have a Democratic majority here who would make a difference.

Mr. ALTMIRE. I don't mean to interrupt the gentleman, but I did want to remind anyone who is observing this discussion tonight that the ''Six for '06'' was the Democratic mantra moving forward and going into the election. Ms. WASSERMAN SCHULTZ was here for that discussion, and Mr. MURPHY and I were out on the campaign trail. And we talked a lot about gas prices and taking on big oil for the first time in many years and revoking some of these subsidies and redirecting them. That was a key staple of this six policy issues that the Democrats made as their top priority for that election cycle and for the first 100 hours in Congress after we were able to retake the Congress.

The gentleman talks about the sequence of events that, as that discussion was brought out, it became pretty clear to everybody that this was going to be a change. This was going to be a new direction for the country.

Again, I am just saying that, as the gentleman is, it is an amazing coincidence that just as that proposal comes forward and just as the momentum starts to shift and look like the Democrats have a chance to promote this agenda in the majority for the first time in 12 years, we do see an incredible drop in gas prices. I think it went down something like 80 cents over a several week period leading up to the election. Now, as you said, it is back up to record levels here shortly thereafter.

I did not mean to interrupt.

Mr. MURPHY of Connecticut. I would like to think that miracles do happen when it comes to energy policy, but unfortunately, I think that may be a little naive.

Ms. WASSERMAN SCHULTZ. Thank you, Mr. MURPHY.

You know, I really became enraged this weekend because you both have heard me refer to myself as what I am, and that is a ''minivan mom.'' I am a minivan mom, one of the millions of minivan moms that drive around my district with the kids in the back seat. And I can tell you that we, ideally, if you are a mom with little kids, would drive a smaller vehicle so that you could save gas, so that you could save money, so that you could be more energy efficient and environmentally conscious.

However, when you are traveling from soccer to baseball to dance class to school and all the things that minivan moms have to do, you need a vehicle the size of a minivan. And they are expensive to fill up. Believe me.

This weekend, we were back up, just for 87 octane, when I filled my gas tank, 87 octane in my hometown of Weston was $3.06 a gallon. The 93 octane was about $3.88. I stood there, and it had been a while since we felt the rage and actually a while since I have gotten feedback from constituents about their frustration, because, like you said, I am actually an idealist. I am not a cynic. I am not someone that believes in conspiracy theories.

There is just no question in my mind that that drop in gas prices was absolutely tied to the potential fortunes of the Republican candidates for Congress and this administration. So I am just going to say it straight out.

The only explanation other than that and the only explanation for the insensitivity on the part of the President and this White House must be that they are not filling their own tanks. Maybe their drivers are doing it for them.

I would like to take the opportunity to introduce our colleagues and the President to a gas tank. This is what they look like. And when you insert the pump into your vehicle, the indicator on the gas pump shows you how much you are paying and shows you the total at the end after you are done filling your tank.

□ 2100

They are not filling their own tank. That must be the only explanation why the President hasn't taken any steps to address our dependence on foreign oil, to deal with the record profits, obscene profits that the oil industry is making.

I don't understand how he could look himself in the mirror after the 2006 State of the Union which I was here for and you guys were running to join us here. I heard President Bush stand at that lectern and tell us that we must end America's addiction to foreign oil. It clearly was just words. That is what they are good at. They are good at the words. They just are not good at backing up the words with action. But we are. Here we are talking about what we need to do. I want us to share with our colleagues and other folks that might be listening what our plans are, because we are going to take some action.

We represent the folks that drive minivans around their district and drive pickup trucks and who run small businesses who need to make sure that gas prices don't cut their legs out from under their business and prevent them from being able to function. That is the reality on the ground every day.

Your gas prices go up, you have a harder time choosing to provide your employees with health insurance, you have a harder time being able to buy that piece of equipment your business needs. There is a direct result on small businesses from gas prices going up.

We are taking several significant steps. The Speaker has created a Select Committee on Global Warming and Energy Independence. That was a controversial move but something that she felt was important because it is so critical that we address the issue of global warming and energy independence that we needed to highlight it and put it up on a pedestal and get Members to travel the world and talk about how we can move the ball down the field and address this issue.

In addition to the hearings and oversight that select committee will be doing, and that select committee will meet for a year time period because there needs to be action taken within a very short time span so we can get some results for the American people.

Also, in the Energy and Commerce Committee, we will be hearing Mr. STUPAK's legislation called the Energy Price Gouging Prevention Act to immediately provide relief to consumers and prevent the oil companies from price gouging like what is clearly going on here. I mean, we cannot allow the oil industry to put our constituents on the roller coaster ride that they are clearly on right now.

We have to do a number of things. We have to set an example in this institution. Speaker PELOSI has moved forward with the Greening the Capitol Initiative. I am privileged to chair the subcommittee which will be working on a lot of the initiatives for the Greening the Capitol project.

What we will be doing is within the next 2 years, by the end of the 110th Congress, we will establish policies that will make our Capitol complex carbon neutral; and we will make sure that we set an example for businesses across the country. We have to take several major steps to provide relief and balance and focus on alternative energy research so we can truly wean ourselves off dependence from foreign oil and not just talk about it.

I am a little hot about that. I see the Speaker is standing on her feet, which means we are probably getting close to the end of our time.

Mr. MURPHY of Connecticut. On the heels of introducing some of our colleagues and members of the administration to a gas pump, and I think you are right, it is hard to understand how people can be so indifferent to the rising costs. Maybe they haven't seen a gas pump. I want to introduce them to something else.

This is a wallet. If you are an oil company executive, your wallet is busting at the seams. So your wallet is going to look different. This is a thin wallet. This is what the American people, working-class individuals throughout this country are dealing with. They are dealing with wages that have been pretty much flat for the last 5 years.

Oil company profits over the last 5 years have gone from $6.5 billion in 2002 to $30.2 billion in 2007. I want to make sure that while we are introducing some of our colleagues and some people in the administration to a gas pump, let's also introduce them to the thin wallet. If the average worker's income doubled from 2001 to 2007, I would say no problem, you can handle gas prices that doubled over that time. But the fact is that wages for average Americans have remained flat. Why? Because we have set up an economy that is designed to fail for regular, working-class individuals in this country, the folks that we represent, the people working in small businesses, who are living from paycheck to paycheck and can't take these increases at the pump.

As much as we have to introduce people to the notion that we have to start redirecting our energy policy, we also have to reintroduce people to the fact that there are millions of Americans out there playing by the rules who simply don't have the means to deal with these increased prices.

Mr. ALTMIRE. The gentlewoman from Florida listed off a number of initiatives that this Democratic Congress has taken at long last to address the gas price crisis that we are facing in this country. We are going to move with great speed to address these issues. We are going to address the price-gouging situation. We are going to address alternative sources of energy. We are going to address the environmental impact of the choices and the long-term consequences. We will address the price of gas that we see at pumps every day, similar to the one that the gentlewoman was holding up.

But I want to remind everybody, which is obvious because we are having this Iraq debate now and the President has sent one bill back with a veto and may send a second bill back with a veto, that we, because of the Constitution, can't do it ourselves. This is a divided government that we have, and we need the assistance of the people on the other end of Pennsylvania Avenue down at the White House to join us in this effort to make a national priority of lowering the gas prices and addressing this issue for the first time since this President took office.

I don't see any indication that he is willing to do that. We can pass legislation, we can have committee hearings and oversight and talk all that we want, but if we are not joined in this effort by our colleagues on the other side of the aisle, and especially the President, we are going to be unable to address this issue in a way that is satisfactory to the American people.

I would urge my colleagues to voice their opinion that this is a priority. It is important to their constituents, and we do need to have a bipartisan effort moving forward to do this because this is an important issue. These are big topics that we are trying to pursue, and we need a unified American people and a unified body to take the initiative to the President and hopefully work with him on a positive solution.

Ms. WASSERMAN SCHULTZ. I think what is important for us to emphasize in the 30-Something Working Group here is we are about action. Our Democratic leadership under Speaker PELOSI and Majority Leader HOYER and Mr. CLYBURN, our whip, and Mr. EMANUEL, our caucus Chair, we spend a lot of time on this floor. The people who are watching see us doing a lot of talking. I mean, talk is nice, but I want us to make sure that we are getting across what we are going to be doing about this problem.

The Speaker has made a commitment that has directed the committees that are chaired by Democratic Members that, by July 4, that we will expand and extend renewable energy and energy efficiency initiatives, that we will make efforts to make our Nation's farmers leaders in reducing our independence on foreign oil by promoting clean, domestically produced alternative fuels.

They do that in Brazil. Brazil has become completely independent of foreign oil. In fact, our own auto industry, our American automobile industry manufactures vehicles to be driven in Brazil because they use an ethanol-based gasoline so they can be self-sufficient. It is entirely doable.

We need to refocus, and our policies and committee hearings and legislation that will be moving through by Independence Day will move us in the direction of changing our dependence from the Middle East to the Midwest in our country.

We will also provide incentives for an energy-innovation economy that will create new jobs and efficiency measures to help consumers and small businesses reduce energy costs. And we are going to make sure that we strengthen our national commitment to energy research and development for the next generation of high-risk, high-reward energy technology.

We have an innovation agenda that was part of the New Direction for America agenda that we ran on and talked about in race after race in district after district. People want to know that it is not just words, that it is not just lips flapping up here. We are going to actually move legislation and use our congressional oversight capability and leadership on this issue so they don't hear one more quarter go by where they see record profits from the oil industry, one more quarter go by where they are on a roller coaster ride for gas prices.

We need to make sure that we help our colleagues on the other side of the

aisle and the President of this country knows what a gas tank is. Because Mr. ALTMIRE did make reference that this is a gas tank, but this is a pretty ancient gas tank. This is a representation of a gas tank that probably dates back to the 1950s. Perhaps that is the last time that our colleagues on the other side of the aisle or the President actually used one of these. That really is, I think, the only explanation for their insensitivity.

It is our job to make sure that we move this innovation agenda forward so we can make it a priority. That is why rolling back those subsidies were part of our 6 in '06 agenda.

One of the first bills that we passed in the first 100 hours in the majority was a repeal of the subsidies that were given away to the oil industry that they literally said they did not need. How could they need them? They are sitting on piles of money, billions of dollars, and we gave them subsidies. We gave them back money that they owed us, that were royalties that we should have earned because we give them the right to drill on government-owned land.

It is just unbelievable that the priorities of the administration would be closer to the oil industry than it would be to the people. It is immoral. It really is. It is nothing short of immoral.

We have to start thinking about how the decisions we make here impact real people. We stand in this Chamber every day. And you know what happens? I was in the legislature in Florida. My district is 450 miles from the capitol in Tallahassee, and it is a lot further from Washington. It becomes really easy, I think, for a lot of the Members to forget the impact of the decisions that we make in this room on real people. You can easily become desensitized. Maybe that is what it is.

I know the President goes around the country and talks to people. But the way they set those events up for the President, as I understand it, he is isolated. They screen a lot of the people that get an opportunity to be in the room with him, if not all of them. I just don't think he hears from enough people about the true impact of his policies. It is the only explanation.

If he was really hearing what people were saying and if he was really sympathetic to the plight of people who are struggling, and not just poor people, but we are talking about middle-class people who have a job and who are, like you said, living paycheck to paycheck, and even people not living paycheck to paycheck.

Just because you can afford to pay $55 to fill up your gas tank doesn't mean it is okay. It shouldn't cost that much. It doesn't have to, and we need to make sure that our actions become reality and that we put pressure on the President to sign what we send him when we send it by Independence Day.

Mr. MURPHY of Connecticut. I always think there is this pyramid of political influence out there. For a very long time, the only people that really mattered in this system were the people gathered at the tip of the pyramid, the people with the big political action committees and who could afford to hire 10 lobbyists to patrol the halls of Congress. And all of us, you know, that exist down at the bottom of that pyramid, and when we come here we get to be closer to the top than the bottom, but the regular folks who sit wondering, and even if they don't wonder if they can afford to fill their tank, they wonder whether increasing gas prices means they can save less, whether this will have some impact on their retirement savings. All of those folks that exist at the base of that pyramid didn't matter any longer.

As much as for me and Mr. ALTMIRE, as much as we care about setting a different course in Iraq and taking on the hegemony of the oil companies and setting a new course for health care policy, I think for us this election was as much about sort of flipping that pyramid on its head and saying we have got to start taking the time to form consensus back at the base of that pyramid and having those decisions be the ones that matter here in Washington.

I have to tell you, standing here as a member of the 30-Something Working Group, nobody knows more than we do about how many Americans now stand on a precipice of jumping off a cliff to having faith in their government. Young people, whether in their 20s or 30s, but people now in their 40s, 50s and 60s have just lost any faith that what they care about will actually be reflected in what happens in Washington.

□ 2115

Guess what, in January, when a new Congress got sworn in, it all changed. Now, it may not change so much that things happen here with the alacrity that people may like. This government is still designed not exactly to respond overnight, but you would not be seeing the policy proposals that you are outlining, whether it is taking on the royalties and the tax breaks, whether it is taking a look at antitrust provisions, whether it is passing a strong price-gouging bill. You just would not see that.

You would hear a lot of bluster, but you would not be seeing action if we did not flip government on its head in January and start once again listening to people out in communities rather than just listening to the conversations that happen perpetually within the halls of government. All those conversations are focused on one thing, the status quo.

Ms. WASSERMAN SCHULTZ. Just what all this boils down to for me is just one word, and that is insensitivity. I mean, there is a disconnect, which is almost a word that has almost become cliche, but a disconnect between what is really going on in the lives of the average American person and the policies that the White House and the President advance.

And that insensitivity, it is not isolated just to the price of oil. It is not isolated just to the President's believing that he is the only one that is right, and he was elected to be the decision-maker, as he said, and to heck with anyone else's opinion. The insensitivity is reflective, and it permeates every decision they make.

Let me just give you an example. I sit on the House Judiciary Committee as well, and tomorrow we have Attorney General Gonzales coming in front of our committee for our regular oversight of the Department of Justice. So the insensitivity and the tone deafness extends to even an issue like that.

The White House has defended their firings of the U.S. attorneys, essentially saying they had the right to do it, and they told us whatever reasons that they decided to release those U.S. attorneys, but they got caught in a fabrication. They got caught in a whole series of different stories that have come back to bite them.

Now we have a situation where we have an Attorney General who has completely undermined our ability and the American people's ability to have any confidence and trust in what he says. That is a pattern that exists. I mean, we talked during the campaign and during the 109th and the 108th about the culture of corruption. I mean, that is what has been hanging over this Capitol, which finally we have been able to lift it.

There are still remnants of it. We still have, sadly, a number of even our colleagues who have been accused of things and are going through investigations, but the Department of Justice and the Attorney General could have handled this U.S. attorney issue in a very simple way, a way that I do not think I could have or you could have questioned.

They had the right to decide to change who was sitting in those offices, who was serving as a U.S. attorney, and all they had to say was, we wanted to change the leadership in those eight offices. Instead, they got so caught up in telling a story that they thought was legitimate enough, that now it is not the firings, it is the coverup that is the problem. And that is what the White House does not seem to get.

We are almost talking apples and oranges. They are defending their right to have fired them. We are not disagreeing with them over their right to have fired the U.S. attorneys. We do have a serious problem, and we should have a serious problem not being able to trust that the information the administration and the Department of Justice provides to us when we ask them questions is accurate and that it is factual.

It is the trust and the violation of that trust that has been undermined for so long, and that was another result on November 7. Part of the result of the election is that the American people's confidence in their government was so badly undermined that they

wanted us to help them move in a new direction.

So it is just not isolated just to the issues we have been talking about tonight. We could go through a laundry list.

Mr. ALTMIRE. We only have about a minute and a half left, and Mr. MURPHY is going to do the wrap-up.

I just wanted to say that I see this prop that we have here, and it reminds me of, Mr. MURPHY and I were watching you and Mr. MEEK and Mr. RYAN last year with that big oil rubber stamp that you kept bringing around. Thankfully, we were able to retire that rubber stamp because the American people voted for a change in direction. I hope it is not going to take 18 months for us to retire that prop, that we are going to take clear and decisive action here in Congress, as I know we will under the Speaker's a leadership, and we are going to be able to do something about the gas prices in a way that is going to allow us to retire your prop there. But we are going to do our part, and I am going to send it over now to Mr. MURPHY.

Mr. MURPHY of Connecticut. Speaking of props, I think by displaying that rather thin wallet before, I inadvertently started to make a case for an increase in congressional pay, for staff members here.

So, we are on honored to be able to have this opportunity that the Speaker has given us, Mr. ALTMIRE and I, certainly to be able to join our colleagues who have been up here for the last few years beating the drum.

You can e-mail us at 30somethingdems@mail.house.gov or you can visit us on the web at www.speaker.gov/30something. We hope that people will share their thoughts with us.

DUST AND TOXINS FROM 9/11

The SPEAKER pro tempore (Ms. SUTTON). Under the Speaker's announced policy of January 18, 2007, the gentlewoman from New York (Mrs. MALONEY) is recognized for 60 minutes.

Mrs. MALONEY of New York. Madam Speaker, today on the House floor, we passed a very important bill to reauthorize the Department of Homeland Security. Tonight, we must take time to remember the horrific event that made our Nation realize that we needed a Department of Homeland Security to begin with, the attacks of September 11, 2001.

We will never forget that fateful day and the thousands of people who lost their lives, and now we know that thousands more lost their health.

We must not forget the firefighters, police officers, EMTs and other first responders who bravely rushed to save the lives of others, even as everyone else was running in the opposite direction.

Within hours of the collapse of the World Trade Center, those first responders labored alongside hard hats and average New Yorkers without regard for their own health or safety. They spent countless hours working the pit, sifting through the rubble, hoping against hope that they would be able to rescue someone trapped deep below.

Unfortunately, as the days went on and the mission turned from a rescue-and-recovery mission to a cleanup site, these brave men and women stayed. While they labored, most were not given the proper respiratory equipment, and all were given inaccurate information about the quality of the air they were breathing. They were told that the ''air was safe to breathe.'' They were told that it was not a health hazard to be there.

Let us take a closer look: This air, the air enveloped by this massive toxic dust cloud, they said was safe to breathe. Unfortunately, we now know better. We know more about what was in that cloud, a poisonous cocktail of thousands of tons of coarse and fine particulate matter, pulverized cement and glass and other toxic pollutants.

To the mix were added 24,000 gallons of burning jet fuel and plastics, which created a dense plume of black smoke containing cancer-causing volatile organic compounds, dioxins and hydrocarbons, a specific combination of toxins probably never seen before and hopefully that we will never see again.

And all of this went into the mouths, throats and lungs of tens of thousands of workers while they tirelessly worked long shifts, not thinking first of their health but of serving this great Nation.

Later in this hour, I am going to share with you the stories of the individual brave men and women who worked at ground zero, but now let me just share one about the dust.

This is a story from Denise Bellingham of Long Island, New York. In her own words, as reported in the New York Daily News, she said, ''The air was indescribable,'' as you can see. ''You couldn't eat anything that wasn't covered with dust. We had paper masks, but they were no good. Condensation from breathing turned the mask into mud. It was worse to breathe with it on. We got respirators about a week into it, but they were not fit-tested. They just came in boxes, and we grabbed one that might fit.

''I worked more than 300 hours at ground zero. I considered it a thank you to America, a chance to do something for my country and for my fellow New Yorkers and for my co-workers who were buried in the rubble.

''We never expected anything to go wrong. Every day we were told the air was safe to breathe. Working down there as a team gave us healing. We could feel all the angels, all the people who had died there.''

Again, that was one of the personal accounts of work at ground zero, as reported in the Pulitzer Prize-winning Daily News series on the Forgotten Heroes of 9/11.

Now, well over 5 years after 9/11, we are seeing the potentially deadly effects on the thousands who worked around ground zero. This is in addition to the untold numbers of residents, area office workers and school children also exposed to the toxins of ground zero but have never received any medical monitoring or assistance from the Federal Government.

We have numerous peer-reviewed, scientific studies linking people's sicknesses to the toxins of ground zero.

Last year we learned from Mount Sinai, an important hospital in my district, and the World Trade Center Medical Monitoring Program that 70 percent of 9/11 responders suffered respiratory problems and 60 percent are still sick as a direct result of their work at ground zero. Making matters worse, nearly 40 percent of those screened have no health insurance, and for those who do have insurance, work-related illnesses are most often not covered.

We also learned from the fire department that the average New York City firefighter has lost 12 years of lung capacity following their service at ground zero, and many have been forced to retire or be reassigned due to their 9/11 illnesses.

And just 2 days ago, a new report from the fire department and Einstein College of Medicine in New York clearly linked World Trade Center dust to a rare type of lung-scarring disease, sarcoidosis, which involves an inflammation that produces tiny lumps of cells in the lungs. In some cases, the illness gets progressively worse and can be fatal.

Let there be no doubt. We now have scientific proof that the 9/11 health crisis is real, and that it is truly a matter of life and death.

□ 2130

Tonight I want everyone listening to understand this. The 9/11 health crisis is not only a New York City problem. The attacks on 9/11 were attacks against our Nation, not just New York. The whole country was touched; and, in the aftermath, people from every State in the Nation were exposed to these toxins while they assisted in the massive rescue recovery and cleanup efforts. Whether you came from California, Florida, Michigan, Pennsylvania, Hawaii, Alaska, you breathed in the same toxic air.

Last month, Congressman VITO FOSSELLA and I released a report showing that Americans from all 50 States were exposed to the aftermath of 9/11 and have serious concerns about their health.

This map shows how many people from each State enrolled in the World Trade Center Health Registry, which is a comprehensive health survey of those most heavily exposed to the toxins of Ground Zero. Those who enrolled answered a 30-minute telephone survey about where they were and what they did on 9/11, and they were asked to report the status of their health. This will allow health professionals to compare the health of those most exposed

to the events of 9/11 with the health of the general population.

Over 71,000 people who met the eligibility requirements of direct exposure decided to enroll in the registry. We know that there are an estimated 410,000 people who would have been eligible, meaning that 410,000 people were likely directly exposed to the deadly toxins of 9/11.

Of the 71,000 people who were concerned enough about their health to enroll, over 8,000 live in New Jersey, over 1,200 live in California, another 1,200 live in Florida, 156 live in Arizona, 350 live in Georgia, 238 in Maryland, and 341 live in Texas. At least 28 people came from as far away as Hawaii.

The list goes on and on, but the message of this map is clear: This is a national emergency, and it deserves a strong Federal response.

Over 1,000 people are from Pennsylvania, including Ryan McCormick, who came to Ground Zero from Representative DENT's district in Pennsylvania. His father, David McCormick, sent me an e-mail explaining that Ryan was a paramedic for University Hospital in Newark, New Jersey, who came to the aid of New York in our country in our time of need.

In his 5 days at Ground Zero, he served in many capacities. A year and a half later, he came down with Hodgkin's Disease, a cancer of the lymphatic system. He has undergone a great deal of chemotherapy and radiation, but nothing has worked. We sincerely thank Ryan for his service to our country, and we pledge that we will not forget his service or his health needs.

I also thank him for his hard work in getting the message out to country and Congress that we cannot forget the heroes of 9/11, and I am told that he is with us tonight in the gallery. We want to personally thank you for your service and your courage.

With a problem of this scope, what we need right now is a plan from the current administration on how they intend to medically monitor everyone who was exposed to the deadly toxins at Ground Zero, and we need a plan to treat everyone who is sick. That is the least that we can do for these heroes and heroines.

Along with my colleagues in New York and our entire delegation, I have been calling for a plan for years now. We don't have a plan yet, but we have made some important progress.

After a long fight with the administration, in May, 2003, we were successful in securing $90 million for medical monitoring for responders.

Then, with the leadership of Representative SHAYS, the Government Reform Committee started a series of important congressional hearings bringing this topic to light.

Then, after the President actually rescinded, they took out of the budget $125 million meant for New York recovery efforts, the New York delegation fought to have the $125 million restored in October of 2005. Of that, $50 million was set aside for workers' compensation, and $75 million was for medical monitoring and treatment. This was the first-ever Federal funding for treatment of sick 9/11 responders.

Unfortunately, then we had to fight just as hard to get that $75 million out of the hands of the Department of Health and Human Services and to the doctors and patients that need to be monitored and treated.

Finally, in late fall of this year, the $75 million was finally released to help the men and women who helped so many on 9/11.

While we were fighting to get that funding released, we took a step closer to having a coordinated Federal response when the Director of the National Institute of Occupational Safety and Health, Dr. John Howard, was appointed at the request of the New York congressional delegation as the Federal coordinator for 9/11 health issues in February of 2006.

Since his appointment, we have seen the release of the first clinical guidelines on the physical health effects many have suffered from the World Trade Center attacks and a draft of autopsy guidelines.

We have also seen Assistant Secretary John Agwunobi appointed as leader of a task force on 9/11 health within the Department of Health and Human Services. While we were promised a plan from this new task force between February of this year, Congress has yet to see one. We still do not have a plan from the administration to medically monitor everyone exposed to those deadly toxins and treat those who are sick as a result of exposure in their hard work at Ground Zero.

That is why, along with Congressman FOSSELLA, I have introduced a resolution which calls on the administration to create a comprehensive long-term plan to medically monitor everyone exposed and treat those who have become sick.

Along with many Members of Congress, I have also introduced the first comprehensive authorizing legislation to care for both the health and economic well-being of all those affected. Named after New York City Police Detective James Zadroga, one of the first 9/11 responders to have his death directly attributed to his exposure to the toxins of Ground Zero, this legislation combines and builds upon two pieces of legislation that we have previously introduced in the 108th and 109th Congress, the Remember 9/11 Health Act and the James Zadroga Act to reopen the Victims' Compensation Fund.

H.R. 1638, the James Zadroga Act, the 9/11 Health and Compensation Act, has four main components. It provides, first, for medical monitoring and treatment; secondly, compensation; thirdly, research; and, fourthly, coordination.

To provide medical monitoring and treatment, the James Zadroga Health and Compensation Act continues and expands the current programs at three Centers for Excellence dedicated to 9/11 health issues to all people exposed to the toxins of 9/11, including first responders, rescue, recovery and cleanup workers, area residents, office workers and students. It would ensure that everyone exposed is monitored, and everyone who is sick is treated.

With regard to compensation, the legislation reopens the September 11 Victims' Compensation Fund to provide individuals who have become sick with 9/11 compensation for their loss. We can't make a person whole by helping them with their health but not addressing their economic needs.

For research, H.R. 1638 directs the Department of Health and Human Services to conduct or support diagnostic and treatment research for health conditions that are associated with the exposure to the terrorist attacks of September 11, 2001.

To ensure coordination, the bill establishes the 9/11 Health Emergency Coordinating Council for the purpose of discussing, examining and formulating recommendations to improve coordination between the Federal, State and local problems and getting those governments on all three levels to work together.

Passing long-term comprehensive legislation like this, and securing funding in the meantime, has proven to be a long, hard fight. Those who are sick from 9/11 are fighting for their lives, and we cannot forget them.

I stand here tonight to promise that I will not rest until we have a system in place that medically monitors everyone exposed to the deadly toxins and treats who is sick. On 9/11, we had many, many people rush to save the lives of others, and many worked for days to help others.

One of my colleagues has a constituent who is suffering from his exposure. He has been treated with chemotherapy. He, I understand, is here in the gallery tonight, up here. We applaud him and thank him for his service. Our prayers, our thoughts, our hope, our work to pass this legislation is for you and for other workers like you who went to help others after the deadly attacks.

I now yield to my good friend and colleague from the great State of Pennsylvania that had over 1,000 of their residents now registered in the official registry of those who worked at Ground Zero and whom we need to monitor for the next 20 or 30 years.

Mr. DENT. I would like to thank the gentlelady from New York (Mrs. MALONEY) for arranging this opportunity to come to the floor to raise awareness of the ongoing effects of 9/11.

I am proud to say that so many from Pennsylvania answered the first call very, very quickly, among some of the first there after the New Yorkers, who helped deal with the aftermath of those horrible attacks.

As we all know, September 11, 2001, was one of the darkest days in American history. Nearly 3,000 innocent people were killed in separate incidents in

New York, Pennsylvania and Virginia. These attacks were intended to instill fear in our hearts and minds and to shake our American spirit.

They did not have that desired effect. Instead, they unified a Nation and strengthened the resolve of the American people. I neglected to mention that one of my own relatives was in the North Tower and, thankfully, made it out. He was on the 91st floor, made it out. All of his colleagues did, too, but nobody above them did. So this issue has touched us all in many ways.

September 11, and the long days that followed, bore witness to inspiring acts of heroism and self-sacrifice. As rescue and recovery efforts unfolded, we saw Americans reaching out to one another, united in a determination to make the country whole again.

Whether it was neighbor helping neighbor or stranger helping stranger, Americans from across the country simply gave of themselves, and operating at the front lines of this effort were local first responders. I would like to take this opportunity to talk about one of those first responders, a selfless and heroic individual by the name of Ryan McCormick.

Ryan, a native of Bethlehem Township in my district, has led a life of service that we should all try to emulate. An Eagle Scout of the Minsi Trails Council, Ryan committed himself to public service at a very young age. Whether he was volunteering at the Bethlehem Township Volunteer Fire Company, performing search and rescue operations with the Civil Air Patrol, or defending our Nation as an 8-year veteran of the United States Army Reserve, Ryan has always been concerned about the well-being of others.

Taking the Boy Scout motto of ''Be Prepared'' to heart, Ryan was, indeed, prepared and acted without hesitation on that fateful Tuesday, Tuesday morning of September 11. Ryan was working as a paramedic in Newark, New Jersey, when his unit was dispatched to the terrorist attacks. Relying on his years of preparation and experience and firmly committed to helping others, Ryan worked tirelessly from September 11 to September 13. The work was hard, dirty and dangerous and heartbreaking. But Ryan persisted. For him, duty came first.

□ 2145

But Ryan McCormick paid a terrible price for his determination and resolve. In late 2002, Ryan started to become sick. In the spring of 2003, he was diagnosed with Hodgkin's disease, a cancer of the lymphatic system. He has undergone consistent treatment for over 4 years, including a stem cell transplant. He is still fighting valiantly against his cancer and soon hopes to be well enough for another stem cell transplant.

But Ryan is not alone. Many of the first responders who worked to ease the suffering of the innocent are now suffering life-threatening illnesses. Fortunately, Ryan, like the rest of his first responder colleagues, is a fighter. And I am proud to let you know that Ryan has joined us tonight and is seated in the Gallery.

Ryan continues to battle this cancer while continuing his service to others. Ryan is the director of emergency management for New Jersey's largest health care system, serves as the Essex County emergency management deputy EMS coordinator and is a lieutenant for the Verona, New Jersey, rescue squad.

In addition, Ryan has started a nonprofit corporation that raises money to buy iPods for cancer patients undergoing cancer treatment. This organization is named Project Turtle Pods, and more information about this endeavor can be found at www.projectturtlepods.com.

Ryan, the House of Representatives welcomes you and thanks you for your courageous service on September 11th. You exemplify all that is great about the American spirit.

As ranking member of the Homeland Security Committee's Subcommittee on Emergency Communications, Preparedness and Response, I am very well aware of the sacrifices our country's first responders make to ensure the safety of others. In turn, we in Congress must take on the responsibility of protecting those who sacrifice to protect us. That is why I have agreed to cosponsor Representative MALONEY's bill, House Resolution 128, which urges the Department of Health and Human Services to prepare a long-term, comprehensive plan to medically monitor all individuals who were exposed to the toxins of Ground Zero.

Of all the lessons we learned from the terrorist attacks of 9/11, there is one first and foremost that stands out: We must not forget those individuals who continue to suffer in the aftermath of these events. The spirit found in Ryan McCormick is fundamentally American. It is this can-do attitude that assures us that we as a Nation can rise to meet any challenge that we encounter. Let us follow the example that Ryan has set for us and help those who are suffering from afflictions precipitated by their involvement in the 9/11 rescue, recovery and cleanup efforts. The people who gave so much to us at that site deserve nothing less.

Again, I want to thank the gentlelady from New York (Mrs. MALONEY) for tonight's opportunity to speak on this important issue and her commitment to our Nation's first responders. I want to thank her for her friendship and her leadership on this issue.

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

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for his statement. I thank him for working so hard not only for Ryan McCormick, his constituent, but all the men and women who came from every State in this Nation, including Alaska and Hawaii, to work at Ground Zero and to try to help save lives and to try to clean up the debris that was there.

As I mentioned earlier, the New York Daily News Editorial Board won the Pulitzer Prize for its groundbreaking series of editorials entitled, ''9/11, The Forgotten Victims.''

Now, I would like to share with you an excerpt from this award-winning series. It is called, ''Abandoned Heroes.''

''They cough. They wheeze. Their heads and faces pound with the pressure of swollen sinuses. They lose their breath with minor exertion. They suffer the suffocation of asthma and diseases that attack the very tissues of their lungs. They endure acid reflux, a painful indigestion that never goes away. They are haunted by the mental and emotional traumas of having witnessed horror. Many are too disabled to work, and some have died.''

Like Ryan McCormick, who is with us tonight in the Gallery, there were many other heroes. Another hero was Christopher Hynes, and I would like to discuss him, from this award-winning series:

''For Christopher Hynes, life as a forgotten victim of 9/11 is a battle of breath. Five years ago, Hynes was a 30-year-old, healthy, nonsmoking New York City police officer. Then, in September and October 2001, he was assigned to Ground Zero duty, spending more than 100 hours patrolling the area of the smoldering rubble of the Twin Towers. The air was thick with dust and smoky particles.

''Today, Hynes, married and the father of a 4-year-old son, has sarcoidosis, a disease that scars lung tissues, and asthma, a disease that inflames and obstructs the airways of the lungs. He coughs constantly and cannot exert himself without losing breath. He survives with the help of steroids and performs restricted duties for the police department.

'' 'I will probably have this for the rest of my life,' he says.''

We must not forget him. We must provide him with health care and monitoring and treatment for the rest of his life.

Mr. Speaker, I now would like to recognize my good friend and colleague, GERALD NADLER, who represents the Ground Zero area and has worked tirelessly on this issue. I grant the gentleman 7 minutes.

Mr. NADLER. I thank the gentlelady.

Mr. Speaker, when the World Trade Center collapsed on September 11, 2001, the towers sent up a plume of poisonous dust that blanketed Lower Manhattan, Brooklyn, and parts of Queens and into New Jersey. A toxic mixture of lead, dioxin, asbestos, mercury, benzene and other hazardous contaminants swirled around the site of the disaster and far afield as rescue workers labored furiously in the wreckage, many without adequate protective

gear. Thousands of first responders inhaled this poisonous dust before it settled onto and into countless homes, shops and office buildings.

Immediately after the collapse, and for the weeks after that, the Environmental Protection Agency had the responsibility of being the lead agency responsible for ensuring the safety of the hundreds and thousands of people who live and work and attend school in Lower Manhattan, Brooklyn and Jersey City, and of the first responders.

Instead, the EPA and the Federal Government betrayed the people who live in New York and betrayed all the first responders, the police officers and the fire officers, and the volunteers from all over who came to help us clean up. It betrayed them in two ways.

First, the EPA assured all that the environmental conditions in New York were not hazardous and that the health of those near the plume was not in danger. Former EPA administrator Christine Todd Whitman irresponsibly declared within a few days after 9/11 that the air was safe to breathe and the water was safe to drink, and EPA continued saying that when they had plenty of data to say it wasn't true. The EPA and the Federal Government lied, and because of these lies, people are sick and dying today. The air was not safe. There is no doubt the EPA initiated two separate cover-ups that go on to this day.

For years, the Federal Government, the State government, the city government insisted that there was no evidence, no proof that people who were getting sick, that fire officers and police officers who had annual exams and had been healthy all the time and who suddenly could not breathe and could not work, this had nothing to do with the World Trade Center. You couldn't prove it was because they were poisoned by the atmosphere.

It was only last September, in September 2006, 5 years after the World Trade Center collapsed, that this cover-up unraveled.

A study released last September by Mount Sinai Hospital found that of the more than 9,000 first responders examined in that study, 70 percent suffered health problems related to their work at Ground Zero.

The evidence continues to pile up. Yesterday, the New York Times reported a clear link between World Trade Center dust and life-threatening disease. And yet, until very recently, the Health Department and the City of New York continued to deny that this was the case.

The City of New York continues to contest every workers comp case filed because, obviously, these are all malingerers; nothing was true.

The article in yesterday's Time cites reports by doctors from the fire department of New York and the Albert Einstein Medical College which again confirm what we have known, that all honest people have known for years: that we are facing a major health crisis as a result of September 11th. And we know that these conditions are very often long-lasting, life-lasting and that they go on and on.

In the days and weeks after 9/11, New York City firefighters and police officers joined with workers and volunteers from all 50 States to aid in the colossal rescue and recovery effort. But more than 5 years later, the Federal Government has not begun to do its part.

To this day, there has been no comprehensive program by the Federal Government to monitor, as Mrs. MALONEY said, to monitor the health of all the victims, the firefighters, the cleanup workers. There has been no provision of medical services.

The President finally, in this year's budget that we are now debating, proposes supplying $25 million. And yet we know that the cost of caring for these people will be probably in the neighborhood of $300 million per year for the indefinite future.

For every day that goes by, more and more people become sick and are diagnosed with illnesses that their doctors attribute to the contamination of the World Trade Center. That is why a number of pieces of legislation have been introduced. For instance, Senators CLINTON, MENENDEZ, SCHUMER and KENNEDY, and in this House, Congressman TOWNS, ENGEL, WEINER, and I have introduced the 9/11 Heroes Health Improvement Act of 2007, which would provide more than $1.9 billion in Federal funding for medical and mental health screening, testing, monitoring and treatment grants for institutions that provide care to those whose health was affected in the 9/11 attacks, for the next 6 years, this would cover.

And that is just the first cover-up. The second cover-up is that we know that the World Trade Center contamination settled in Lower Manhattan, in Brooklyn, in Queens, probably in Jersey City, in many neighborhoods, buildings and onto streets. Nature cleans up the outdoor air, but it doesn't clean up the indoor air. The rain washes away dust in the outdoors; the wind blows it away. But nothing removes the indoors. People were told, don't worry, it is safe to move back to Lower Manhattan. In high school, students were told to go back after a week. And yet, we know that the indoor contamination was not dealt with properly. We know that, unless properly cleaned up, professionally cleaned up, indoor spaces are still contaminated; that even if you went in, as the New York City Department of Health urged, and said, ''If you see World Trade Center dust in your apartment, clean it up with a wet mop and a wet rag,'' and the EPA echoed this advice. This, too, was a betrayal, because not only is that advice illegal because we know that much of that dust had asbestos in it, and it is illegal to remove asbestos-laden material, to move it, to touch it, to deal with it unless you are properly licensed to, certified to do so and wearing equipment. But EPA and the City of New York Health Department told people to remove it with a wet mop and a wet rag.

We also know that, if you did that, besides being illegal, you probably inhaled some of it. And the very often immigrant workers hired by fly-by-night firms, who, not professionally, did this probably inhaled a lot of it. And we also know that, if you did it, you didn't thoroughly do it; that the dust settled into the porous wood surfaces and into the carpets and the drapes and behind the refrigerator and into the HVAC systems. And where the toddler crawls on the rug today and loosens that dust into the air, that toddler is being poisoned today. We probably have thousands or tens of thousands of people all over Manhattan and Brooklyn and Queens and Jersey City who are being poisoned today and who we will see come down with asbestosis and mesothelioma and lung cancer 15 years from now, because it has never been properly cleaned up because the EPA continues to deny its responsibility.

The EPA ombudsman's office was called in at my request in February and March of 2002, and held hearings to see what could be done about this. What happened? The EPA abolished the ombudsman's office.

The EPA set up, at Senator CLINTON's request, a scientific advisory body to look into this. They started saying, ''Hey, wait a minute. We have got a major problem here.'' What happened? They were disbanded by the EPA.

The EPA inspector general's office looked into this, and came out with a report in August of 2003, saying that thousands of people are endangered by this; that what we have to do is randomly inspect indoor spaces, apartments and work spaces in concentric circles going out from the World Trade Center so that we can find out where the contamination still exists, maybe 3 blocks in one direction, maybe 3 miles in another direction. But, wherever it is, map it, delineate it, and wherever it is, go in on a building-by-building basis, clean it up so that people are not continually poisoned indefinitely.

□ 2200

Clean it up, so that people are not continually poisoned indefinitely. What happened to that report? It was ignored by the EPA, and the people in the Inspector General's Office are no longer there.

And again, at Senator CLINTON's insistence and because CAROLYN MALONEY and I and others insisted, the EPA set up another scientific advisory body in 2005. What happened? They started saying, you know, the Inspector General is right and what the EPA has done is inadequate. What happened? They were disbanded before they could make official recommendations.

To this day, we know that we are poisoning large numbers of people continually and piling up unnecessary cases

of fatal diseases that will come out in 10 and 15 years because the Federal Government and the city government of New York has ignored this problem and covered it up.

So, in summary, we have two separate cover-ups, one of which unraveled only within the last year. We are trying to deal with it. We still don't have the funds to deal with it. The Federal Government, the Bush administration has ignored it, basically. They have not come out with proper recommendations.

Some of us, Congresswoman MALONEY, Congressman SHAYS, myself, Senator CLINTON, have made legislative proposals for long-term care and monitoring of the medical conditions caused that will be with us for the next 50 years. We don't have administration support. We haven't enacted that legislation. We must.

But at least, because that cover-up unraveled last year, we're talking about it. But that second cover-up, they're still denying it. The City of New York is still denying it. The Federal Government is still denying it. And until they admit it, until we do the proper investigation in the way that the Inspector General recommended and look at all the areas and find out where the contamination is and go in and clean it up, and it may cost a couple of billion dollars to do that, but until we do that we will continue poisoning people, we will continue making sure that 10 and 15 and 20 years from now we will have thousands perhaps of unnecessary cases of fatal diseases.

So I say to you, Mr. Speaker, I thank Ms. MALONEY for calling this special order tonight. But I say to you, we must enact a legislation such as CAROLYN has talked about, such as I have talked about, such as others have, to put into place systematic means of monitoring and providing medical services for the victims, the first responders. But we must also make sure that the EPA and the Federal Government step up to the plate, unravel that second cover-up, peel it away, see what the problem is, inspect the areas, find out where the contamination still is. And where it still is, go in and on a building by building basis clean it up so that we can know that people can live and work in areas without being poisoned and without coming down with additional diseases.

Without doing this, we are adding to the work of the terrorists. The Federal and city governments are becoming complicit in adding to the victims. It was bad enough the terrorists cost us 3,000 dead that day. The Federal and city government should not be adding to the victims as they still are.

Mrs. MALONEY of New York. I thank the gentleman for his hard work and for his statement and for being here tonight. I know that he has many constituents such as Congressman DENT, and we thank Ryan McCormick for being with us in the Chamber tonight.

I want to talk about another victim of 9/11, Winston Lodge. He was written about in ''The Making of a Health Disaster'' which was originally published July 25, 2006; and I quote from the Daily News.

''For Winston Lodge, life as a forgotten victim of 9/11 is the torment of chronically inflamed and bleeding sinuses.

''5 years ago, Lodge was a 44-year old iron worker who helped build things. Then, called on to help dismantle the pile, he pitched in at Ground Zero for 12 hours a day, 7 days a week for a month.

''Today, Lodge's nose runs constantly and often bleeds. He suffers headaches from sinus pressure, has shortness of breath from chronic bronchitis, and has acid reflux, a painful heartburn. He has undergone surgery to relieve sinus difficulties and is waiting for a second operation.

''Since 2004, Lodge, a divorced father of four, has not been able to work; and he says, and I quote, ''I am sick to my bones, and I need help.''

A number of people have worked very hard on this and held hearings to focus on this issue, including Mrs. CLINTON and, very recently, ED TOWNS had one in Brooklyn, New York, about the health impacts on his constituents in Brooklyn. He held another one here in Washington.

But the first person to call a series of hearings on the health impacts of 9/11 was my colleague from Connecticut, CHRISTOPHER SHAYS. Under the Government Reform and Oversight Committee, he held hearings in New York, many here in Washington, that helped focus the light on the need for everyone to be monitored who was exposed to those deadly toxins and everyone who is sick to be treated. We thank you for holding those hearings and for joining us tonight in this special order. Thank you, Mr. SHAYS.

Mr. SHAYS. Thank you, Representative MALONEY; and it is really a privilege to be with you and both JERRY NADLER. I know that both of you have been at the forefront of this issue and clearly have been championing it, both of you.

But I particularly want to thank Mrs. MALONEY. Because you were the one who, serving on my subcommittee at the time, said we needed to get at this issue. And you're the reason why we ended up having these hearings.

During the last 2 years, as chairman of the Subcommittee on National Security, Emerging Threats and International Relations, we held four oversight hearings on the federally funded medical monitoring and registry programs that were established following the September 11 terrorist attacks. And you, obviously, and Mr. NADLER, were major participants. The witnesses' testimony at the subcommittee clearly demonstrated the significant health challenges faced by the Ground Zero responders, as well as the need for their continued health monitoring.

You know, nearly 6 years after the cataclysmic attacks on the World Trade Centers, shock waves still emanate from Ground Zero. Diverse and delayed health problems continue to emerge in those exposed to the contaminants and psychological stressors unleashed on September 11, 2001.

Firefighters, police, emergency medical personnel, transit workers, construction crews and other first responders, as well as volunteers, came to Ground Zero knowing there would be risks but confident their community would sustain them. These individuals did not just go to work on that day. They went to war.

However, as we know, Federal, State and local health support has not provided the care and comfort they need and rightfully deserve.

After the 1991 war in the Persian Gulf, veterans suffering a variety of unfamiliar syndromes faced daunting official resistance to evidence linking multiple low-level toxic exposure to subsequent chronic ill health. In part due to our subcommittee, long-term registrants were improved and an aggressive research agenda was pursued and sick veterans now have some of the benefits, in law, of presumption that wartime exposures cause certain illnesses.

When the front line is not Baghdad but now lower Manhattan, occupational medicine and public health practitioners still have much to learn from that distant Middle East battlefield. Proper diagnosis, effective treatment and fair compensation for the delayed casualties of toxic attacks require vigilance, persistence and a willingness to admit what we do not yet know and might never know about toxic synergies and syndromes. Health surveillance has to be focused and sustained and new treatment approaches have to be tried to restore damaged lives before it is too late. And I fear it really is becoming almost too late.

Still today, it appears the public health approach to lingering environmental hazards remains unfocused and halting. The unquestionable need for long-term monitoring has been met with only short-term commitments. Screening and monitoring results have not been translated into timely protocols that could be used by a broader range of treating physicians. Valuable data sets compiled by competing programs may atrophy as money and vigilance wane.

Both the executive and legislative branches of our Federal Government are failing those who were on the front lines nearly 6 years ago. Many responders, workers, residents and schoolchildren are getting sick from the toxins that they were exposed to in the area around Ground Zero. We are not providing those affected with satisfactory treatments and care.

We need to know how many people are sick or how many become sick or how they may become sick and if they are receiving proper medical care. We

also need to talk to the doctors who are treating them to determine if they are aware of how best to care for these victims.

I just have two more points I want to make. We have spent billions of dollars improving our method to defend the United States against another terrorist attack, and we are certainly safer than we were in 2001. But we are still not completely safe. I believe we need to use oversight hearings to help prepare for a similar attack in another city, to determine how large an area the government should be monitoring for health effects, and what some of these of the best practices are to minimize the impact and treat future victims in these catastrophic situations.

It is our duty to care for the victims who continue to live with illnesses caused by the events of that fateful day, to monitor, track and treat their symptoms and to ensure they have knowledge of and access to services available to them. Congress and the administration also have a duty to make sure we as a Nation have learned from their experiences so we can effectively and expeditiously respond to a similar horrendous event in the future, and I think that's what both of you are trying to do and trying to highlight.

My constituents don't live in New York City. But I had a number who came and spent every day at Ground Zero, and I just know what they're dealing with. And we know so many others. There are thousands of others of individuals, and they need our attention.

I thank our colleague, and I hope we have a chance to have a little bit of a dialogue about this.

Mrs. MALONEY of New York. Well, I thank my colleague and good friend from Connecticut; and I thank him particularly for the public hearings that really focused the need and, I think, helped us achieve partial funding, the $25 million that we got in the President's budget. As we know, JERRY and the New York delegation, along with Senators CLINTON and SCHUMER, we have worked very hard to have $50 million added to the supplemental budget for the health needs of the 9/11 workers. This has been a delegation-wide priority on both sides of the aisle led by our two Senators and by the entire delegation.

I remember your hearings very vividly, the men and woman who came and testified who were sick. They came with their pills. They came with their coughs. Some could hardly breathe. They could hardly talk.

I want to share another story with my colleagues of Jeffrey Endean, who was highlighted in the Daily News articles as life as a forgotten victim of 9/11. And he says, 5 years ago, he was a 51-year old Division Commander for Morris County New Jersey's Sheriff Office. He was healthy, able to run several miles.

Then he was pressed into Ground Zero service because he had experience helping first responders cope at horrific scenes. He worked 12 hours a day, from September 11 to November 22, 2001.

Today, he has reactive airways dysfunction syndrome, RADS, a rare irritant-induced form of asthma. His sinuses often bleed. He is prone to headaches and upper respiratory infections.

Married, the father of three and grandfather of three, he retired in 2003; and he says, ''I start the day with four to five inhalers and a pill. Will I have cancer at 66? Will I live my life as long as I should?''

That is the question, and that is why JERRY and CHRIS and I have worked so hard to have monitoring. And we need to continue this monitoring treatment not just for the next 5 years but doctors say for the next 20 or 30 years. New diseases are coming up. Pulmonary fibrosis, where the fibers in the lungs, they can hardly breathe. It's like an iron lung.

And, JERRY, you were at those hearings. Can you comment and add to what CHRIS said about the hearings? And JERRY and I and CHRIS really represent many people who work there, the residents. We need to get the residents into the registry, too.

Mr. NADLER. Thank you, CAROLYN.

What struck me about the hearings was several things. We've had hearings for a number of years, and I remember the first hearing I attended was presided over by Senator LIEBERMAN, a U.S. Senate hearing back in February of 2002. But none of this has changed. It's 5 years later, and it hasn't changed.

Number one, you see the victims, the first responders, the people who dropped everything they were doing to help, to help victims that we thought people might be still alive under the debris. They weren't. Who then helped with the cleanup to get, who worked on the pile for 40 and 50 days. And we heard story after story of how healthy people were no longer healthy and they could no longer work and they could no longer breathe, how they now had to take 20 and 30 and 40 different pills and medications a day, how they couldn't pay for the medications, how they had lost their jobs, and because they lost their jobs they lost their health coverage and how the workers comp system didn't work for them.

□ 2215

How a hero who was given an award for heroism at the World Trade Center, when he went for workers' comp, they said, Prove you were there.

Mrs. MALONEY of New York. JERRY, I have his picture in my office. He found the flag, the flag that was flown around the world from Ground Zero, and they will not acknowledge that he worked there. He got awards. And what struck me about him and many others, JERRY and CHRIS, if you will remember, at that hearing they testified they would do it again even though they know they had lost their health.

Mr. NADLER. So the first thing we saw at those hearings were these people testifying about how they selflessly worked, and we know that they did, and how they had been betrayed by every level of government in treating them, by the workers' comp and the State, by the Federal Government.

The second thing was it was clear from the heroic work done by the people at Mount Sinai and the Fire Department of the City of New York, in trying to deal with these sick people and who had to put the funding together for private philanthropic sources, that until last year there was no government funding for any of this whatsoever. Finally we got a few million dollars.

Mrs. MALONEY of New York. It is a scandal. An absolute scandal. And at the hearing remember the Health Commissioner testified that Zadroga did not die from 9/11? I couldn't believe it.

Mr. NADLER. The Health Commissioner testified that. There has been a denial, a straightforward denial, by City and State people because they don't want to admit liability.

The third thing was that even now, even now, when Dr. Agwunobi testified, he said we will have a plan. Well, we haven't seen the plan. We know now that it is going to cost about $300 million a year just to deal with the health conditions of the people we know about. Never mind the cleaning up of the contaminated areas, but just for the first responders, it is going to cost about $300 million a year. The President proposed $25 million, but it was made very clear at the hearing, the last hearing, that the plan that the Federal Government was going to come up with, if they actually come up with a plan, would not deal with residents, would not deal with the health problems of people who are living there, who were beseeched by the City and Federal Government to come back and live and work in lower Manhattan and are suffering because they listened to that.

Mrs. MALONEY of New York. Our legislation calls for that all the residents should be covered. But remember, at the last hearing that Congressman TOWNS had, Agwunobi testified that we no longer needed a plan, that he wasn't going to give us a plan.

They said they would give us a plan in February. Where is it? That is why we have a resolution calling for a plan on how we are going to monitor and treat these heroes and heroines.

Mr. NADLER. And that is a scandal also. The other thing that was very clear, and it has been clear from the EPA right up to date, is that the registry has dealt with people who live or who work in lower Manhattan, below Canal Street, as if there was a 30,000-foot high wall along Canal Street or a Star Trek-type force field along Canal Street and across the East River because, after all, anyone who lives north of Canal Street has no problem. And anybody who lives in Brooklyn, where we saw the satellite photos showed the plume went and where Congressman

WEINER testified that at his office 10 miles away, debris was falling on the terrace at his office, and we know it was falling across all these neighborhoods across Brooklyn; we don't have to deal with that. We are going to be studiously ignorant of all the people in these other places outside of lower Manhattan. That was brought out very clearly in Congressman TOWNS' hearing. And the fact is, we have to look at all these hearings areas and do the job properly.

Mr. SHAYS. I would add to that but also make the point that this won't be the first city that will have to deal with this kind of issue. I mean, we want to be able to protect and prevent a terrorist attack, but there may be some other event. And what we also need is a protocol that makes sure that future first responders are never put in this condition and that residents around wherever an event takes place are notified and given good information. The bottom line is, no one was ever given good information from day one.

Mr. NADLER. That is a very good point.

Mrs. MALONEY of New York. That is very true. But I also want to build on what he said, that people are going to be watching how we treat these first responders. God forbid that we have another 9/11 attack or another terrorist attack, they are going to know that we weren't there to provide, at the very least, the health care and the monitoring that the heroes and heroines need, and that is a very important precedent. It is not only, do we need to take care of these men and women, Mr. McCormick, who is with us tonight in the Gallery, but we have to send a message that we are going to be there for our first responders.

Mr. NADLER. There are a couple of lessons that really should be learned here. One, Abraham Lincoln said, at the end of the Civil War, that you have to care for him who shall have borne the battle and for his widow and his orphan. We are failing in doing that, when he who shall have borne the battle here are heroes who came in to help, and we are abandoning them.

Second, the EPA had a duty to do the job here. They failed in that duty. And that is a danger for the future. The law provides that the EPA must come in and classify the area and make sure and protect people, and the OSHA laws were enforced in Washington so no one got sick. They weren't enforced in New York, and 50,000 people are sick.

Mrs. MALONEY of New York. I know. There were lots of terrible mistakes that are causing people their health now.

And in closing in this final minute, I just want to underscore that we as a Nation must not forget the firefighters, police officers, emergency medical technicians and all the other responders, volunteers and residents who bravely rushed down to save lives even as everyone else was running in the opposite direction. We must not forget the rescue, recovery and cleanup workers who stayed on for months at Ground Zero in service to our country. And we must not forget the residents, area workers and school children who lived, worked and studied through the toxins and have now become sick.

Once again, I stand on this floor of Congress and note that this was an attack against our Nation, and we know that the Nation responded. Every State has workers that were affected by the deadly toxins at Ground Zero. Every State had residents who rushed to our State and rushed down to Ground Zero to help. We will never forget them, and we will not stop. Both sides of the aisle, we are committed to making sure that everyone who was exposed to the deadly toxins is treated and everyone who is sick is going to get medical care. That is the least that we can do for these brave men and women.

I thank my colleagues and especially Ryan McCormick, who is here with us tonight, for coming. And I thank you for your work not only tonight on this Special Order tonight but throughout your year in Congress. Since 9/11, it has been a priority of yours. And my constituents, the thousands that were affected thank you for your efforts, and I thank you for having this opportunity of joining me in this Special Order.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ELLISON). The Chair would remind all Members that the rules prohibit referring to guests in the gallery.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 24 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2308

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ARCURI) at 11 o'clock and 8 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2237, PROVIDING FOR REDEPLOYMENT OF UNITED STATES ARMED FORCES AND DEFENSE CONTRACTORS FROM IRAQ; PROVIDING FOR CONSIDERATION OF H.R. 2206, U.S. TROOP READINESS, VETERANS' CARE, KATRINA RECOVERY, AND IRAQ ACCOUNTABILITY APPROPRIATIONS ACT, 2007; AND PROVIDING FOR CONSIDERATION OF H.R. 2207, AGRICULTURAL DISASTER ASSISTANCE AND WESTERN STATES EMERGENCY UNFINISHED BUSINESS APPROPRIATIONS ACT, 2007

Mr. MCGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 110–143) on the resolution (H. Res. 387) providing for consideration of the bill (H.R. 2237) to provide for the redeployment of United States Armed Forces and defense contractors from Iraq; providing for consideration of the bill (H.R. 2206) making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; and providing for consideration of the bill (H.R. 2207) making supplemental appropriations for agricultural and other emergency assistance for the fiscal year ending September 30, 2007, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2082, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2008

Mr. MCGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 110–144) on the resolution (H. Res. 388) providing for consideration of the bill (H.R. 2082) to authorize appropriations for fiscal year 2008 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LARSON of Connecticut (at the request of Mr. HOYER) for today.

Mr. MORAN of Kansas (at the request of Mr. BOEHNER) for today on account of inspecting tornado damage.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCDERMOTT) to revise and

extend their remarks and include extraneous material:)

Mr. MCDERMOTT, for 5 minutes, today.

Mr. ALTMIRE, for 5 minutes, today.

Mr. SESTAK, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

(The following Members (at the request of Mr. PRICE of George) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, May 15 and 16.

Mr. JONES of North Carolina, for 5 minutes, May 14, 15, and 16.

Mr. SHAYS, for 5 minutes, today.

ADJOURNMENT

Mr. MCGOVERN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 11 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, May 10, 2007, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1600. A letter from the Administrator, Risk Management Agency, Department of Agriculture, transmitting the Department's final rule — Common Crop Insurance Regulations; Walnut Crop Insurance Provisions; Almond Crop Insurance Provisions (RIN: 0563-AC08) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1601. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Mushroom Promotion, Research, and Consumer Information Order; Reallocation of Mushroom Council Membership [Docket No.: AMS-FV-07-0019; FV-06-704 IFR] received March 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1602. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Salable Quantities and Allotment Percentages for the 2007-2008 Marketing Year [Docket Nos. AMS-FV-06-0188; FV07-985-1 FR] received March 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1603. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Tart Cherries Grown in the States of Michigan, et al.; Final Free and Restricted Percentages for the 2006-2007 Crop Year for Tart Cherries [Docket No. AMS-FV-06-0187; FV07-930-1 FR] received March 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1604. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Cranberries Grown in the States of Massachusetts, et al.; Increased Assessment Rate [Docket No. AMS-FV-06-0174; FV06-929-1 FR] received March 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1605. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Prohibition on Acquisition from Communist Chinese Military Companies (DFARS Case 2006-D007) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

1606. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; New Designated Countries (DFARS Case 2006-D062) (RIN: 0750-AF57) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

1607. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Free Trade Agreements — Guatemala and Bahrain (DFARS Case 2006-D028) (RIN: 0750-AF49) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

1608. A letter from the Director, Child Nutrition Programs, Department of Agriculture, transmitting the Department's final rule — Disclosure of Children's Free and Reduced Price Meals and Free Milk Eligibility Information in the Child Nutrition Programs (RIN: 0584-AC95) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

1609. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Microbiology Devices; Reclassification of Herpes Simplex Virus Types 1 and 2 Serological Assays [Docket No. 2005N-0471] received May 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1610. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Exemption of Chemical Mixtures [Docket No. DEA-137F3] (RIN: 1117-AA31) received April 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1611. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Revisions to the Export Administration Regulations based on the 2006 Missile Technology Control Regime Plenary Agreements [Docket No. 070411084-7087-02] (RIN: 0694-AD96) received May 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

1612. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Updated Office Names, Office Addresses, Statements of Legal Authority and Statute Name and Citation [Docket No. [070411085-7088-01]] (RIN: 0694-AE01) received May 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

1613. A letter from the Executive Director, Christopher Columbus Fellowship Foundation, transmitting pursuant to the Accountability of Tax Dollars Act, the Foundation's Form and Content Reports for the second quarter of FY 2007 as prepared by the U.S. General Services Administration; to the Committee on Oversight and Government Reform.

1614. A letter from the Deputy CHCO/Director, HCM, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1615. A letter from the Acting General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1616. A letter from the Chair, Equal Employment Opportunity Commission, transmitting the Commission's annual reports for FY 2006 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

1617. A letter from the Equal Employment Opportunity Coordinator, Farm Credit Administration, transmitting the Administration's annual report pursuant to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 for Fiscal Year 2006; to the Committee on Oversight and Government Reform.

1618. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's annual report for Fiscal Year 2006 on the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Oversight and Government Reform.

1619. A letter from the Administrator, General Services Administration, transmitting the Administration's intent to adjust the dollar thresholds for submission of construction, alteration, lease, and lease alteration prospectuses, pursuant to 40 U.S.C. 3307(g); to the Committee on Oversight and Government Reform.

1620. A letter from the Chairman, International Trade Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2006 through March 31, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Oversight and Government Reform.

1621. A letter from the Acting Co-Executive Director, National Council on Disability, transmitting the Council's Annual Performance Report to the President and Congress Fiscal Year 2006, as required by the Government Performance and Results Act, pursuant to 31 U.S.C. 1116; to the Committee on Oversight and Government Reform.

1622. A letter from the Chairman, National Endowment for the Arts, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Endowment's report on competitive sourcing efforts for Fiscal Years 2003 through 2006; to the Committee on Oversight and Government Reform.

1623. A letter from the Director, National Science Foundation, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Foundation's report on competitive sourcing efforts for FY 2006; to the Committee on Oversight and Government Reform.

1624. A letter from the Administrator, Office of Management and Budget, transmitting the Office's report on competitive sourcing activities for FY 2006, in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, Fiscal Year 2004, Pub. L. 108-199; to the Committee on Oversight and Government Reform.

1625. A letter from the Director, Office of Personnel Management, transmitting the Office's Fiscal Year 2006 annual report on statistical data relating to Federal sector equal employment opportunity complaints filed with the Office; to the Committee on Oversight and Government Reform.

1626. A letter from the Chairman, Postal Regulatory Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act for calendar year 2006, pursuant to 5 U.S.C. 552b(j); to the Committee on Oversight and Government Reform.

1627. A letter from the Deputy Director, U.S. Trade and Development Agency, transmitting the Agency's Fiscal Year 2007 annual report prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002, Pub. L. 107-174; to the Committee on Oversight and Government Reform.

1628. A letter from the Executive Director, United States Access Board, transmitting the Board's FY 2006 report, pursuant the requirements of section 203(a) of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No Fear Act); to the Committee on Oversight and Government Reform.

1629. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Pennsylvania Regulatory Program [PA-147-F0R] received April 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1630. A letter from the Federal Liaison Officer, Department of Commerce, transmitting the Department's final rule — Revisions and Technical Corrections Affecting Requirements for Ex Parte and Inter Partes Reexamination [Docket No. PTO-P-2005-0016] (RIN: 0651-AB77) received April 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1631. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Gulf Intracoastal Waterway, Belle Chasse, LA [CGD08-06-036] (RIN: 1625-AA09) received April 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1632. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Anchorage Regulations; Mississippi River Below Baton Rouge, LA, Including South and Southwest Passes [CGD08-05-016] (RIN: 1625-AA01) received April 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1633. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — General Rule for Taxable Year of Inclusion (Rev. Rul. 2007-32) received May 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1634. A letter from the Branch Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Credit for Alternative Fuel Vehicle Refueling Property [Notice 2007-43] received May 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1635. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Certain exchanges of insurance policies. (Rev. Rul. [XXXX-XX]) received May 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1636. A letter from the Director, Regulations and Disclosure Law Division, Department of Homeland Security, transmitting the Department's final rule — Advance Electronic Presentation of Cargo Information for Truck Carriers Required to be Transmitted through ACE Truck Manifest at Ports in the States of Vermont, North Dakota and New Hampshire — received April 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LANTOS: Committee on Foreign Affairs. H.R. 1469. A bill to establish the Senator Paul Simon Study Abroad Foundation under the authorities of the Mutual Educational and Cultural Exchange Act of 1961 (Rept. 110–138). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 692. A bill to amend title 4, United States Code, to authorize the Governor of a State, territory, or possession of the United States to order that the National flag be flown at half-staff in that State, territory, or possession in the event of the death of a member of the Armed Forces from that State, territory, or possession who dies while serving on active duty; with an amendment (Rept. 110–139). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 1593. A bill to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes (Rept. 110–140). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Oversight and Government Reform. H.R. 401. A bill to amend the National Capital Transportation Act of 1969 to authorize additional Federal contributions for maintaining and improving the transit system of the Washington Metropolitan Area Transit Authority, and for other purposes; with an amendment (Rept. 110–141). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRANK: Committee on Financial Services. H.R. 1427. A bill to reform the regulation of certain housing-related Government-sponsored enterprises, and for other purposes; with an amendment (Rept. 110–142). Referred to the Committee of the Whole House on the State of the Union.

Ms. SLAUGHTER: Committee on Rules. House Resolution 387. A resolution providing for consideration of the bill (H.R. 2237) to provide for the redeployment of United States Armed Forces and defense contractors from Iraq, providing for consideration of the bill (H.R. 2206) making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes, and providing for consideration of the bill (H.R. 2207) making supplemental appropriations for agricultural and other emergency assistance for the fiscal year ending September 30, 2007, and for other purposes (Rept. 110–143). Referred to the House Calendar.

Mr. HASTINGS of Florida: Committee on Rules. House Resolution 388. A resolution providing for the consideration of the bill (H.R. 2082) to authorize appropriations for fiscal year 2008 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. 110–144). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. SMITH of New Jersey (for himself, Mr. DANIEL E. LUNGREN of California, and Mr. ROHRABACHER):

H.R. 2228. A bill to encourage and facilitate the consolidation of security, human rights, democracy, and economic freedom in Ethiopia; to the Committee on Foreign Affairs.

By Mr. GORDON:

H.R. 2229. A bill to establish a joint energy cooperation program within the Department of Energy to fund eligible ventures between United States and Israeli businesses and academic persons in the national interest, and for other purposes; to the Committee on Science and Technology.

By Mr. CANNON (for himself, Mr. GENE GREEN of Texas, and Mr. GOHMERT):

H.R. 2230. A bill to prevent certain discriminatory taxation of natural gas pipeline property; to the Committee on the Judiciary.

By Mr. ALLEN (for himself and Mr. LEWIS of Kentucky):

H.R. 2231. A bill to amend title XVIII of the Social Security Act to exempt complex rehabilitation products and assistive technology products from the Medicare competitive acquisition program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WAXMAN (for himself, Mr. TOM DAVIS of Virginia, Mr. DAVIS of Illinois, Mr. SHAYS, Mr. VAN HOLLEN, Ms. NORTON, Ms. BALDWIN, Mr. BERMAN, Mr. ENGEL, Mr. FATTAH, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. HINCHEY, Mr. MCDERMOTT, Mr. MORAN of Virginia, Ms. SCHAKOWSKY, and Mr. WU):

H.R. 2232. A bill to affirm that Federal employees are protected from discrimination on the basis of sexual orientation and to repudiate any assertion to the contrary; to the Committee on Oversight and Government Reform.

By Mr. MCDERMOTT:

H.R. 2233. A bill to provide for special transfers of funds to States to promote certain improvements in State unemployment compensation laws; to the Committee on Ways and Means.

By Mr. FARR (for himself and Mr. FILNER):

H.R. 2234. A bill to amend the Internal Revenue Code of 1986 to provide for an extension of the period of limitation to file claims for refunds on account of disability determinations by the Department of Veterans Affairs; to the Committee on Ways and Means.

By Mr. SPACE:

H.R. 2235. A bill to amend the Agriculture and Food Act of 1981 to revise the Resource Conservation and Development Program of the Department of Agriculture to require a planning process under the program that is locally led, to guarantee funds for the program for fiscal years 2008 through 2012, and for other purposes; to the Committee on Agriculture.

By Mrs. MALONEY of New York (for herself, Mr. SHAYS, Ms. WOOLSEY, Ms. ROYBAL-ALLARD, Ms. LEE, Mr. RUSH, Mrs. MCCARTHY of New York, Mr. OLVER, Mr. ELLISON, Ms. JACKSON-LEE of Texas, and Mrs. JONES of Ohio):

H.R. 2236. A bill to amend the Civil Rights Act of 1964 to protect breastfeeding by new mothers; to provide for a performance standard for breast pumps; and to provide tax incentives to encourage breastfeeding; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Education and Labor, for a period

to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McGOVERN (for himself, Mr. WELCH of Vermont, and Ms. SUTTON):

H.R. 2237. A bill to provide for the redeployment of United States Armed Forces and defense contractors from Iraq; to the Committee on Agriculture, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BECERRA (for himself, Mr. WELLER, Mr. CROWLEY, and Mr. FORTUÑO):

H.R. 2238. A bill to amend the Internal Revenue Code of 1986 to provide for residents of Puerto Rico who participate in cafeteria plans under the Puerto Rican tax laws an exclusion from employment taxes which is comparable to the exclusion that applies to cafeteria plans under such Code; to the Committee on Ways and Means.

By Mr. BOOZMAN:

H.R. 2239. A bill to amend title 38, United States Code, to expand eligibility for vocational rehabilitation benefits administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. TOM DAVIS of Virginia (for himself, Mr. WYNN, Mr. MORAN of Virginia, Mr. WOLF, and Mr. VAN HOLLEN):

H.R. 2240. A bill to amend the Homeland Security Act of 2002 to restore the Office for National Capital Region Coordination to the administrative jurisdiction of the Office of the Secretary of Homeland Security, and for other purposes; to the Committee on Homeland Security.

By Mr. ENGEL (for himself, Mr. FOSSELLA, Mr. GENE GREEN of Texas, and Ms. DEGETTE):

H.R. 2241. A bill to amend the Public Health Service Act with respect to prevention and treatment of diabetes, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FRELINGHUYSEN:

H.R. 2242. A bill to prohibit a State from imposing a discriminatory commuter tax on nonresidents, and for other purposes; to the Committee on the Judiciary.

By Mr. GALLEGLY:

H.R. 2243. A bill to better provide for compensation for certain persons injured in the course of employment at the Santa Susana Field Laboratory in California; to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GENE GREEN of Texas:

H.R. 2244. A bill to amend title XVIII of the Social Security Act to provide Medicare beneficiaries with access to geriatric assessments and chronic care coordination services, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Washington:

H.R. 2245. A bill to designate the Department of Veterans Affairs outpatient clinic in Wenatchee, Washington, as the Elwood ''Bud'' Link Department of Veterans Affairs Outpatient Clinic; to the Committee on Veterans' Affairs.

By Mr. HELLER:

H.R. 2246. A bill to validate certain conveyances made by the Union Pacific Railroad Company of lands located in Reno, Nevada, that were originally conveyed by the United States to facilitate construction of transcontinental railroads, and for other purposes; to the Committee on Natural Resources.

By Mr. LARSEN of Washington:

H.R. 2247. A bill to amend titles 10 and 38, United States Code, to repeal the 10-year limit on use of Montgomery GI Bill educational assistance benefits, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ZOE LOFGREN of California (for herself, Mrs. CAPPS, Mr. COSTA, Mr. CARDOZA, Ms. ESHOO, Mr. FARR, Mr. FILNER, Ms. HARMAN, Mr. LANTOS, Mr. MCNERNEY, Ms. MATSUI, Mr. GEORGE MILLER of California, Ms. ROYBAL-ALLARD, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Mr. SHERMAN, Ms. SOLIS, Mr. STARK, Mrs. TAUSCHER, Mr. WAXMAN, Mr. HONDA, and Ms. MCCOLLUM of Minnesota):

H.R. 2248. A bill to prohibit States from carrying out more than one Congressional redistricting after a decennial census and apportionment, to require States to conduct such redistricting through independent commissions, and for other purposes; to the Committee on the Judiciary.

By Mr. MCCAUL of Texas (for himself, Mr. BRADY of Texas, and Mr. POE):

H.R. 2249. A bill to amend title 28, United States Code, to prevent administrative action with respect to, and the filing of, certain tort claims against the United States; to the Committee on the Judiciary.

By Mr. MCCAUL of Texas (for himself, Mr. BRADY of Texas, Mr. GOHMERT, and Mr. POE):

H.R. 2250. A bill to prevent inappropriate litigation against the United States; to the Committee on the Judiciary.

By Mr. MICHAUD (for himself and Mr. ALLEN):

H.R. 2251. A bill to extend the Acadia National Park Advisory Commission, to provide improved visitor services at the park, and for other purposes; to the Committee on Natural Resources.

By Mr. ROYCE:

H.R. 2252. A bill to create a national commission, modeled after the successful Defense Base Closure and Realignment Commission, to establish a timely, independent, and fair process for realigning or closing outdated, ineffective, or inefficient executive agencies; to the Committee on Oversight and Government Reform.

By Mr. ROYCE (for himself and Mr. CANTOR):

H.R. 2253. A bill to amend the Internal Revenue Code of 1986 to reduce the rate of the tentative minimum tax for noncorporate taxpayers to 24 percent; to the Committee on Ways and Means.

By Mr. SCHIFF (for himself, Mr. THORNBERRY, and Mr. COHEN):

H.R. 2254. A bill to amend title 18, United States Code, to establish the transfer of any nuclear weapon, device, material, or technology to terrorists as a crime against humanity; to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of New Mexico (for himself, Mr. UDALL of Colorado, Ms. SLAUGHTER, Mr. WAMP, Mr. WHITFIELD, and Mr. HASTINGS of Washington):

H.R. 2255. A bill to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to extend and increase the authority for the ombudsman under the Energy Employees Occupational Illness Compensation Program; to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WALBERG:

H.R. 2256. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the use of ethanol in tetra ethyl ortho silicate (TEOS) production; to the Committee on Ways and Means.

By Mr. WELCH of Vermont:

H.R. 2257. A bill to direct the Secretary of Veterans Affairs to increase the number of benefits claims representatives employed by the Department of Veterans Affairs, and to ensure that there are not fewer than two such claims representatives located at each center for the provision of readjustment counseling and related mental health services established under section 1712A of title 38, United States Code (commonly referred to as a ''vet center''), to help reduce the backlog of claims pending with the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. WELCH of Vermont:

H.R. 2258. A bill to direct the Secretary of Defense to ensure that every member of the Armed Forces undergoes a medical examination prior to separation or discharge, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELCH of Vermont:

H.R. 2259. A bill to ensure that members of the National Guard and Reserves are able to fully participate in the benefits delivery at discharge program administered jointly by the Secretary of Defense and the Secretary of Veterans Affairs to provide information and assistance on available benefits and other transition assistance to members of the Armed Forces who are separating from the Armed Forces; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODE (for himself and Mr. JONES of North Carolina):

H. Con. Res. 146. Concurrent resolution expressing the sense of Congress that the Secretary of Transportation may not grant authority to Mexico-domiciled motor carriers to operate beyond the commercial zones of the United States-Mexico border; to the Committee on Transportation and Infrastructure.

By Mr. YARMUTH (for himself, Ms. MATSUI, Mrs. MCCARTHY of New York, Mr. SHAYS, Mr. PLATTS, and Mr. PRICE of North Carolina):

H. Res. 385. A resolution recognizing National AmeriCorps Week; to the Committee on Education and Labor.

By Mrs. DRAKE (for herself, Mr. MICA, Mr. LATOURETTE, and Mr. LOBIONDO):

H. Res. 386. A resolution recognizing the Coast Guard, the Coast Guard Auxiliary, and the National Safe Boating Council for their efforts to promote National Safe Boating

Week; to the Committee on Transportation and Infrastructure.

By Mr. PAYNE (for himself, Mr. SMITH of New Jersey, and Ms. WATSON):

H. Res. 389. A resolution supporting the goals and ideals of Malaria Awareness Day; to the Committee on Oversight and Government Reform.

By Mr. ROSS (for himself, Mr. BERRY, Mr. SNYDER, and Mr. BOOZMAN):

H. Res. 390. A resolution recognizing the importance of the Ouachita National Forest on its 100th anniversary; to the Committee on Natural Resources.

By Mr. SESSIONS (for himself, Mr. SAM JOHNSON of Texas, Mr. HENSARLING, Mr. MARCHANT, Mr. BRADY of Texas, Ms. GRANGER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CONAWAY, Mr. POE, and Mr. BARTON of Texas):

H. Res. 391. A resolution recognizing the employees of Dallas-Fort Worth International Airport, the North Texas Commission, USO, and the people and businesses of North Texas for their dedication to the ''Welcome Home a Hero'' program; to the Committee on Armed Services.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

30. The SPEAKER presented a memorial of the Legislature of the State of Idaho, relative to House Joint Memorial No. 2 supporting the participation of Taiwan in a meaningful and appropriate way in the World Health Organization; to the Committee on Foreign Affairs.

31. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Memorial No. 5 urging the Congress of the United States to use all efforts, energies, and diligence to withdraw the United States from any further participation in the Security and Prosperity Partnership of North America, or any other bilateral or multilateral activity that seeks to advance, authorize, fund or in any way promote the creation of any structure to create any form of the North American Union; to the Committee on Foreign Affairs.

32. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Memorial No. 4 urging the legislatures to consider adoption of resolution working toward the development of a federal bipartisan, long-term solution that addresses sustainable management of federal forest lands to stabilize payments, which help support roads and schools, to forest communities throughout the western states; to the Committee on Natural Resources.

33. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Memorial No. 3 affirming the states support of the United States campaign to secure our country and urging member's of Idaho's congressional delegation to support measures to repeal the federal REAL ID Act of 2005; to the Committee on Homeland Security.

34. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 20 urging the Department of Homeland Security to complete an economic analysis of the costs of compliance with the requirements of the federal Real ID Act and the Western Hemisphere Travel Initiative; jointly to the Committees on the Judiciary and Homeland Security.

35. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 21 memorializing the United States Department of State and the Department of Homeland Security to develop a pilot program in Michigan for a dual purpose state drivers license/personal identification card to comply with the provisions of the Real ID Act and the Western Hemisphere Travel Initiative; jointly to the Committees on the Judiciary and Homeland Security.

ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

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

H.R. 25: Mr. BOOZMAN.

H.R. 67: Mr. DELAHUNT, Mr. SCOTT of Virginia, Mr. BURTON of Indiana, Ms. SHEA-PORTER, Mr. PETERSON of Minnesota, and Mr. ETHERIDGE.

H.R. 154: Mr. FARR, Mr. MCDERMOTT, and Mr. KENNEDY.

H.R. 223: Mr. SMITH of New Jersey.

H.R. 237: Ms. HIRONO, MR. JOHNSON of Illinois, Mr. LEWIS of Kentucky, and Mr. POMEROY.

H.R. 241: Mr. LEWIS of Kentucky.

H.R. 253: Mrs. CHRISTENSEN and Mr. DAVIS of Illinois.

H.R. 260: Mr. DINGELL, and Mr. ABERCROMBIE.

H.R. 281: Mr. KAGEN.

H.R. 289: Ms. FOXX.

H.R. 321: Mr. GRAVES.

H.R. 358: Mr. KAGEN, Mr. MURTHA, Mr. DOYLE, and Ms. SUTTON.

H.R. 383: Mr. BARTLETT of Maryland.

H.R. 436: Mr. HASTERT.

H.R. 507: Mr. PICKERING, Mr. ALEXANDER, Mr. GERLACH, Mr. BISHOP of Georgia, Mr. MCNULTY, Mr. SKELTON, and Ms. KAPTUR.

H.R. 548: Mr. SPACE.

H.R. 551: Ms. LEE, Ms. SOLIS, and Mr. DANIEL E. LUNGREN of California.

H.R. 562: Mr. BOUSTANY.

H.R. 566: Mr. RANGEL and Mr. GONZALEZ.

H.R. 579: Mr. HONDA, Mr. SMITH of New Jersey, Mr. PEARCE, and Mr. RUPPERSBERGER.

H.R. 583: Mr. BISHOP of New York, Mr. WELCH of Vermont, Mr. MCNERNEY, Mr. ENGEL, Mr. KING of New York, Mr. MILLER of North Carolina, Mr. KIND, Ms. SHEA-PORTER, and Mr. TIM MURPHY of Pennsylvania.

H.R. 610: Mr. PLATTS.

H.R. 615: Mr. ENGLISH of Pennsylvania.

H.R. 616: Mr. ENGLISH of Pennsylvania.

H.R. 634: Mr. TIM MURPHY of Pennsylvania and Mr. BLUNT.

H.R. 642: Mr. HASTINGS of Florida.

H.R. 643: Mr. COBLE, Mr. SOUDER, Mr. PUTNAM, Mr. ALEXANDER, and Mr. GILLMOR.

H.R. 645: Mr. INSLEE.

H.R. 690: Mr. BRALEY of Iowa and Mr. BUTTERFIELD.

H.R. 698: Mr. HOEKSTRA.

H.R. 729: Ms. MCCOLLUM of Minnesota.

H.R. 768: Mr. SHAYS.

H.R. 782: Mr. MURPHY of Connecticut.

H.R. 784: Mr. PORTER.

H.R. 819: Mr. SMITH of Washington, Mr. SARBANES, and Mr. MCNERNEY.

H.R. 821: Mr. FRANK of Massachusetts, Mr. MATHESON, and Mr. CARDOZA.

H.R. 861: Mr. RAHALL, Ms. GINNY BROWN-WAITE of Florida, and Mr. HUNTER.

H.R. 882: Mrs. BONO, Mr. GERLACH, and Mr. KUHL of New York.

H.R. 890: Mr. PAYNE, Mr. HOLT, Mr. ALTMIRE, Mr. SCOTT of Virginia, Ms. SHEA-PORTER, Mr. SARBANES, Mr. KILDEE, and Ms. CLARKE.

H.R. 891: Mr. MURTHA.

H.R. 957: Mr. BILIRAKIS, Mr. BISHOP of Utah, Mrs. CUBIN, Mr. MARIO DIAZ-BALART of Florida, Mr. FORTENBERRY, Mr. GARRETT of New Jersey, Mr. ROGERS of Michigan, Mrs. JO ANN DAVIS of Virginia, and Mr. DINGELL.

H.R. 970: Mr. DAVIS of Illinois, Ms. JACKSON-LEE of Texas, Mr. GENE GREEN of Texas, and Mr. AL GREEN of Texas.

H.R. 989: Mr. GOODE and Mr. ROSKAM.

H.R. 1014: Mr. WELCH of Vermont, Mr. PAYNE, Mr. FRANK of Massachusetts, and Mr. JOHNSON of Georgia.

H.R. 1023: Mr. BOREN, Mr. CARNAHAN, Mr. TIBERI, Mr. PALLONE, Ms. HERSETH SANDLIN, Mr. WEXLER, and Ms. BERKLEY.

H.R. 1029: Mr. LATHAM and Mr. WALSH of New York.

H.R. 1032: Mr. PAYNE and Ms. CARSON.

H.R. 1088: Mr. FERGUSON.

H.R. 1093: Mr. STEARNS.

H.R. 1098: Mr. HALL of New York, Mr. LOBIONDO, and Mr. PLATTS.

H.R. 1103: Mr. PALLONE, Ms. SUTTON, Mr. RUSH, and Mr. BERMAN.

H.R. 1108: Mrs. LOWEY, Mr. GERLACH, Ms. HOOLEY, and Mr. WALSH of New York.

H.R. 1117: Mr. GRIJALVA and Mr. GONZALEZ.

H.R. 1147: Mr. HERGER.

H.R. 1157: Mr. CROWLEY, Mr. AL GREEN of Texas, Ms. CARSON, Ms. DELAURO, Ms. LEE, Mr. KLEIN of Florida, Mrs. BIGGERT, Mr. GORDON, Mr. WEXLER, Mr. ANDREWS, Mr. KILDEE, Ms. HERSETH SANDLIN, Mr. WALSH of New York, Mr. VISCLOSKY, Mr. SHULER, Mr. ALEXANDER, Mr. WYNN, Mr. WELDON of Florida, Mr. GEORGE MILLER of California, Mr. BOUSTANY, Ms. CASTOR, and Ms. WASSERMAN SCHULTZ.

H.R. 1165: Ms. ESHOO.

H.R. 1187: Mr. SCHIFF, Mr. HINCHEY, Mr. LANTOS, Mr. MCDERMOTT, Mr. OLVER, and Mr. HONDA.

H.R. 1201: Mr. DEFAZIO.

H.R. 1222: Mr. ISRAEL, Mr. FATTAH, and Mr. CARDOZA.

H.R. 1223: Mr. FATTAH.

H.R. 1230: Ms. NORTON, Mr. BUTTERFIELD, Mr. SCOTT of Georgia, Mr. CLEAVER, Mr. JOHNSON of Georgia, Mr. ELLISON, Ms. MOORE of Wisconsin, Mr. CLAY, and Ms. CARSON.

H.R. 1237: Mr. TIM MURPHY of Pennsylvania.

H.R. 1252: Mr. WELCH of Vermont, Mr. LARSON of Connecticut, Ms. CARSON, Ms. SOLIS, Mr. KLEIN of Florida, Mr. PALLONE, and Ms. ESHOO.

H.R. 1261: Mr. DREIER and Mr. WICKER.

H.R. 1264: Mr. GOODE.

H.R. 1279: Mr. ARCURI, Mr. BISHOP of New York, and Mr. TIM MURPHY of Pennsylvania.

H.R. 1282: Mr. HIGGINS.

H.R. 1303: Mrs. MALONEY of New York.

H.R. 1343: Mr. MANZULLO, Mr. TIM MURPHY of Pennsylvania, Mr. ALEXANDER, Mr. MCHUGH, Mr. LARSON of Connecticut, Mr. PAYNE, Mr. WAMP, Mr. HARE, Mr. HERGER, Mr. MARSHALL, Mr. WU, and Mr. KANJORSKI.

H.R. 1357: Mr. BILIRAKIS, Mrs. CUBIN, Mr. MARIO DIAZ-BALART of Florida, Mr. GARRETT of New Jersey, and Mr. KING of New York.

H.R. 1363: Mr. WAMP, Mr. LEWIS of Georgia, Mr. COHEN, and Ms. JACKSON-LEE of Texas.

H.R. 1365: Mr. ROYCE.

H.R. 1366: Mr. MCCOTTER, Mr. GOODE, Mr. ROSKAM, Mr. CAMPBELL of California, and Mr. ROYCE.

H.R. 1381: Ms. KAPTUR.

H.R. 1399: Mr. TIBERI, Mr. BARRETT of South Carolina, Mrs. JO ANN DAVIS of Virginia, Mr. LATHAM, and Mr. REHBERG.

H.R. 1407: Mr. WALBERG.

H.R. 1414: Mr. HARE.

H.R. 1415: Mr. KENNEDY.

H.R. 1416: Mr. PERLMUTTER and Mr. KENNEDY.

H.R. 1435: Mr. DOOLITTLE, Mr. ROHRABACHER, and Mr. MCINTYRE.

H.R. 1475: Mr. ROSKAM.

H.R. 1483: Mrs. JONES of Ohio.

H.R. 1497: Ms. SUTTON.

H.R. 1506: Mr. PATRICK MURPHY of Pennsylvania, Mr. SERRANO, Mr. COURTNEY, Mr. KAGEN, Ms. VELÁZQUEZ and Mr. WELCH of Vermont.

H.R. 1532: Mr. ALLEN and Mr. GEORGE MILLER of California.

H.R. 1534: Mr. WYNN.
H.R. 1535: Mr. JOHNSON of Georgia.
H.R. 1536: Ms. SHEA-PORTER and Mr. MARSHALL.
H.R. 1541: Mr. GONZALEZ.
H.R. 1551: Ms. GINNY BROWN-WAITE of Florida.
H.R. 1560: Mr. WELDON of Florida.
H.R. 1561: Ms. ESHOO.
H.R. 1567: Mr. BAIRD and Ms. HERSETH SANDLIN.
H.R. 1588: Ms. KAPTUR, and Mr. ALEXANDER.
H.R. 1589: Mr. PORTER and Mr. MCCOTTER.
H.R. 1600: Mr. HONDA, Mr. LARSON of Connecticut, Ms. WATSON, Ms. SOLIS, Mr. BECERRA, and Mr. SCHIFF.
H.R. 1606: Mr. CLAY.
H.R. 1628: Mr. GONZALEZ.
H.R. 1640: Mr. SMITH of New Jersey.
H.R. 1644: Mrs. MCCARTHY of New York, Mr. PALLONE, Mrs. NAPOLITANO, Mr. MCDERMOTT, Mr. RYAN of Wisconsin, and Mr. MURPHY of Connecticut.
H.R. 1650: Mr. WAMP, Mr. BOREN, Mr. SNYDER, Mr. ROSS, and Mr. RENZI.
H.R. 1670: Mr. GEORGE MILLER of California.
H.R. 1693: Mr. BISHOP of Georgia.
H.R. 1700: Mr. KLEIN of Florida, Mr. PERLMUTTER, and Mrs. BOYDA of Kansas.
H.R. 1702: Mr. CONYERS.
H.R. 1707: Mr. INSLEE, Ms. DEGETTE, and Mr. KENNEDY.
H.R. 1709: Ms. CARSON.
H.R. 1718: Mr. CHANDLER.
H.R. 1730: Ms. BALDWIN.
H.R. 1731: Mr. GERLACH.
H.R. 1738: Mr. PAYNE, Mr. WALSH of New York, and Mr. MARSHALL.
H.R. 1740: Mr. MURPHY of Connecticut.
H.R. 1745: Mr. FATTAH.
H.R. 1747: Mr. HASTINGS of Florida, Ms. LINDA T. SÁNCHEZ of California, Ms. HARMAN, Mr. GRIJALVA, Mr. LANTOS, Mr. HONDA, Mr. SCHIFF, and Mr. BERMAN.
H.R. 1754: Mr. KAGEN, Mr. HARE, Mr. SHULER, Mr. BERRY, Mr. COOPER, Mr. PETERSON of Minnesota, Mr. TANNER, and Mr. THOMPSON of California.
H.R. 1781: Mr. THOMPSON of Mississippi, Ms. KILPATRICK, Mr. ORTIZ, Ms. BALDWIN, Mr. KENNEDY, and Mr. BLUMENAUER.
H.R. 1783: Mr. RUSH.
H.R. 1794: Ms. ROS-LEHTINEN.
H.R. 1796: Ms. MCCOLLUM of Minnesota.
H.R. 1801: Ms. HERSETH SANDLIN.
H.R. 1809: Mr. WAXMAN and Mr. PAYNE.
H.R. 1818: Mr. TOWNS, Mr. MEEKS of New York, Mr. HASTINGS of Florida, and Ms. ESHOO.
H.R. 1823: Mr. POE and Ms. ROS-LEHTINEN.
H.R. 1881: Mr. ALTMIRE, Ms. ZOE LOFGREN of California, and Mr. FILNER.
H.R. 1884: Mr. ALEXANDER and Mr. ABERCROMBIE.
H.R. 1892: Mr. INGLIS of South Carolina and Mr. MANZULLO.
H.R. 1902: Ms. DEGETTE and Mr. STUPAK.
H.R. 1924: Mr. PORTER and Mr. BLUMENAUER.
H.R. 1926: Mr. BOUCHER, Mr. KAGEN, Mr. GERLACH, Mr. TERRY, Ms. GRANGER, Mr. HINOJOSA, Mr. RAHALL, Mr. PLATTS, Mr. MEEKS of New York, Mr. LEVIN, Mr. CUELLAR, Mr. ALEXANDER, Mr. GILLMOR, and Mr. WEXLER.
H.R. 1927: Mr. KAGEN.
H.R. 1940: Mr. SOUDER, Mr. COBLE, Mr. MCCOTTER, Mr. AKIN, Mr. LINDER, Mr. WELDON of Florida, Mr. SAM JOHNSON of Texas, Mr. BOOZMAN, Mr. FORBES, and Mr. ALEXANDER.
H.R. 1956: Mr. BUTTERFIELD.
H.R. 1965: Mr. HARE, Mrs. MUSGRAVE, Ms. KAPTUR, Mr. LATOURETTE, Mr. MILLER of Florida, Mr. CLAY, and Mr. GOODE.
H.R. 1968: Ms. LEE and Mr. GRIJALVA.
H.R. 1971: Mr. GENE GREEN of Texas.
H.R. 1980: Mr. ABERCROMBIE.
H.R. 1982: Mr. ABERCROMBIE.
H.R. 1992: Mr. ALLEN, Mr. SALAZAR, and Ms. SOLIS.
H.R. 2001: Mr. VAN HOLLEN.
H.R. 2005: Mr. HARE and Mr. SMITH of Nebraska.
H.R. 2015: Ms. MATSUI, Ms. CLARKE, Ms. WASSERMAN SCHULTZ, Mr. BLUMENAUER, Mr. JACKSON of Illinois, and Mrs. TAUSCHER.
H.R. 2019: Ms. SCHAKOWSKY.
H.R. 2030: Mr. CUMMINGS and Mr. TOWNS.
H.R. 2038: Mr. VAN HOLLEN and Mrs. EMERSON.
H.R. 2054: Mr. LATHAM and Mr. SMITH of Nebraska.
H.R. 2060: Mr. SMITH of Nebraska, Mr. WOLF, Mr. SPACE, Ms. LEE, Mr. MATHESON, Mr. MCNERNEY, Mr. MCNULTY, Mr. JOHNSON of Illinois, Mr. KAGEN, Mr. SHAYS, Mr. ABERCROMBIE, and Mr. PALLONE.
H.R. 2063: Mr. ANDREWS, Mr. KAGEN, and Mr. WALSH of New York.
H.R. 2064: Mr. LANGEVIN, Mr. VAN HOLLEN, Mr. ABERCROMBIE, and Mr. CROWLEY.
H.R. 2065: Ms. SUTTON.
H.R. 2066: Mr. BISHOP of Georgia, Mr. GRIJALVA, and Mr. PLATTS.
H.R. 2075: Mr. EMANUEL.
H.R. 2086: Mr. PERLMUTTER.
H.R. 2102: Mr. FLAKE, Mr. FORTUÑO, Mr. SHAYS, Mr. UDALL of New Mexico, Ms. JACKSON-LEE of Texas, Mr. COHEN, Mr. POE, Ms. BERKLEY, Mr. EMANUEL, and Mr. MACK.
H.R. 2104: Mr. DOOLITTLE, Mr. MCCOTTER, Mr. NEUGEBAUER, Mr. FEENEY, Mr. MCHENRY, and Mr. HENSARLING.
H.R. 2108: Mr. FRANK of Massachusetts and Mr. LARSON of Connecticut.
H.R. 2111: Mr. ETHERIDGE.
H.R. 2125: Mrs. CUBIN, Mr. UDALL of Colorado, Mr. MELANCON, Mr. RENZI, Mr. GRIJALVA, Ms. MCCOLLUM of Minnesota, Mr. HOLDEN, Ms. BALDWIN, Mr. JINDAL, Mr. BOREN, Mr. SNYDER, Mr. HARE, Mrs. MUSGRAVE, Mr. ROSS, and Mr. JEFFERSON.
H.R. 2144: Mr. WALSH of New York.
H.R. 2147: Mr. POE, Mr. MCGOVERN, Mr. HOLT, and Mr. ARCURI.
H.R. 2167: Mr. LIPINSKI.
H.R. 2183: Mr. GINGREY.
H.R. 2214: Ms. ROYBAL-ALLARD, Mr. BACA, Mr. RODRIGUEZ, Ms. Velázquez, Mr. SIRES, Mr. GENE GREEN of Texas, Mr. DOGGETT, Ms. JACKSON-LEE of Texas, Mr. LAMPSON, and Mr. EDWARDS.
H.R. 2215: Mr. SHAYS.
H.R. 2221: Mr. HASTINGS of Florida, Mr. TOWNS, and Mr. HOLT.
H. J. Res. 12: Mr. PICKERING.
H. Con. Res. 4: Mr. SPACE.
H. Con. Res. 21: Mr. RENZI, Mr. BOSWELL, Mr. CULBERSON, Mrs. JONES of Ohio, and Mr. DENT.
H. Con. Res. 39: Ms. BALDWIN.
H. Con. Res. 40: Mr. GINGREY.
H. Con. Res. 48: Mr. BOREN.
H. Con. Res. 85: Mr. GOODLATTE, Mr. MCGOVERN, Mr. UPTON, and Mr. GRIJALVA.
H. Con. Res. 130: Mr. RUSH, Mr. ORTIZ, Mrs. MALONEY of New York, Mr. BERMAN, Mrs. MCCARTHY of New York, Mr. MCNULTY, Mr. RODRIGUEZ, Mr. SERRANO, Mrs. CHRISTENSEN, Ms. CORRINE BROWN of Florida, Mr. WAXMAN, Mr. WALSH of New York, Mr. MITCHELL, Mr. GRIJALVA, Mr. GEORGE MILLER of California, Mr. HONDA, Mr. TIERNEY, Mr. LANTOS, Ms. CARSON, Mr. REYES, Ms. NORTON, and Mr. BAIRD.
H. Con. Res. 133: Mrs. CUBIN and Mr. HALL of Texas.
H. Con. Res. 142: Mr. CASTLE and Mr. FARR.
H. Con. Res. 144: Mrs. MCCARTHY of New York, Mrs. MALONEY of New York, Ms. NORTON, Ms. WASSERMAN SCHULTZ, and Ms. BALDWIN.
H. Res. 95: Mr. PAYNE.
H. Res. 106: Mr. HODES.
H. Res. 137: Mr. SMITH of New Jersey.
H. Res. 146: Mr. BRALEY of Iowa and Ms. BORDALLO.
H. Res. 185: Ms. ESHOO.
H. Res. 194: Ms. EDDIE BERNICE JOHNSON of Texas and Ms. NORTON.
H. Res. 209: Mr. LEWIS of Georgia.
H. Res. 226: Mr. GONZALEZ.
H. Res. 232: Mr. ROSKAM, Mrs. MCMORRIS RODGERS, Mr. PAUL, Mr. SMITH of New Jersey, and Mr. BOOZMAN.
H. Res. 235: Mr. LINDER.
H. Res. 241: Mr. BISHOP of Georgia, Ms. CORRINE BROWN of Florida, Ms. CARSON, Mr. RANGEL, Ms. MOORE of Wisconsin, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mrs. CHRISTENSEN, Mr. FATTAH, Mr. WATT, Mr. JOHNSON of Georgia, Mr. HONDA, Mr. CROWLEY, Mr. MORAN of Virginia, Mr. BERMAN, Mr. SERRANO, Ms. CLARKE, Mr. FARR, Ms. JACKSON-LEE of Texas, Mr. BLUMENAUER, Mr. OBERSTAR, Mr. WEXLER, and Mr. CLAY.
H. Res. 287: Mr. THOMPSON of California.
H. Res. 295: Mr. WOLF and Mr. ISSA.
H. Res. 296: Mr. ENGEL, Mrs. TAUSCHER, Mr. SAXTON, Mr. YOUNG of Florida, Mr. DAVIS of Illinois, Mr. FRANK of Massachusetts, Mr. LANTOS, and Mr. HELLER.
H. Res. 345: Mr. ACKERMAN.
H. Res. 351: Mr. CAMPBELL of California and Mr. ALEXANDER.
H. Res. 374: Mr. MCCOTTER.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

H.R. 2206, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

H.R. 2207, making supplemental appropriations for agricultural and other emergency assistance for fiscal year ending September 30, 2007, and for other purposes, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.